



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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JANET NAPOLITANO  
Governor

CEDRIC DAVIS  
Board Chair

DEBRA RINAUDO  
Executive Director

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BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES  
August 3, 2007

Members Present: Cedric Davis, Robert Evans, Kahryn Nix, Jose Herrera, Julian Pickens, Laura de Blank  
Members Absent: Ruth Lee, Diane Brassea  
Staff Present: Debra Rinaudo, Marc Harris, A.A.G., Sherry Blatner, Kami Thur, Sheila Perry-Johnson, Patricia Reynolds, Mary Wilson

**1. Call to Order**

The meeting of the Arizona Board of Behavioral Health Examiners was called to order on August 3, 2007, at 9:19 a.m. with Dr. Davis presiding.

**2. Roll Call**

See above.

**3. Minutes: review, consideration and action**

Mr. Herrera moved, seconded by Dr. Pickens, to approve the general meeting minutes from June 29, 2007, as submitted. The motion passed unanimously.

**4. Consent Agenda: review, consideration and action**

*A. 2007-0164, Diane Aker, LPC-0051*

Review, consideration and action to approve the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern.

*B. 2005-0021, Karl Bauer, LCSW-0083*

Review, consideration and action to approve the Social Work Credentialing Committee's recommendation to dismiss the complaint.

*C. 2007-0130, Jodi Engel, LPC-10685*

Review, consideration and action to approve the non-disciplinary consent agreement and dismiss the complaint with a letter of concern.

*D. 2007-0165, Gary Giangregorio, LPC-0111*

Review, consideration and action to approve the Counseling Credentialing Committee's recommendation to dismiss the complaint with a letter of concern.

*E. 2005-0137, Rex Smyly, LISAC-10486*

Review, consideration and action regarding the Substance Abuse Credentialing Committee's recommendation to dismiss the complaint.

Following discussion, Mr. Evans moved, seconded by Mr. Herrera, to accept consent agenda as presented. The motion passed unanimously. See attached roll call.

**5. Administrative Hearings**

None

**6. Formal Interviews**

None

7. **Complaints and other disciplinary matters: review, consideration and action**

A. 2007-0092, Richard Adams, LMSW-2866

Mr. Adams and his attorney, Larry Cohen, appeared in person and addressed the Board.

Following discussion, Mr. Herrera moved, seconded by Ms. Nix, to remand this matter to formal hearing. The motion passed unanimously.

B. 2004-0018, David Pillar, LMFT-0374

Mr. Pillar was properly noticed, but did not appear.

Ms. Perry-Johnson summarized the facts of the case.

Following review and discussion by members, Mr. Evans moved, seconded by Mr. Herrera, to accept the Marriage & Family Therapy Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

C. 2006-0107, Elizabeth Dunn, LPC-10050

Mr. Evans indicated that he has limited information regarding this matter, but it does not affect his ability to be objective in this case.

Ms. Reynolds summarized the results of the Board's investigation.

Ms. Dunn's attorney, Mark Harrison, appeared in person and addressed the Board.

Following discussion, Ms. de Blank moved, seconded by Mr. Herrera, to adopt the Findings of Fact as set forth in the proposed consent agreement. The motion carried with Mr. Evans and Ms. Nix opposed. Mr. Evans and Ms. Nix stated that their objection was with regard to Findings of Fact 17 and 18.

Mr. Herrera moved, seconded by Dr. Pickens, to adopt the Conclusions of Law as set forth in the proposed consent agreement. The motion carried with Mr. Evans and Ms. Nix opposed for the reasons previously stated.

Mr. Herrera moved, seconded by Ms. de Blank, to adopt the Order as set forth in the proposed consent agreement. The motion carried with Mr. Evans and Ms. Nix opposed for the reasons previously stated. See attached roll call.

Dr. Pickens moved, seconded by Ms. de Blank, to invite the professional to participate in a formal interview if she doesn't accept the consent agreement and to remand this matter to formal hearing if she declines to attend a formal interview. The motion passed unanimously.

D. 2007-0122, Malcolm Pavey, LISAC-1220

Mr. Pavey was properly noticed, but did not appear.

Ms. Perry-Johnson summarized the facts of the case.

Mr. Harris addressed the Board regarding modifications to the consent agreement as requested by the professional's attorney.

Following review and discussion by members, Mr. Evans moved, seconded by Mr. Herrera, to adopt the recommendation of the Substance Abuse Credentialing Committee to accept the consent agreement. The motion passed unanimously. See attached roll call.

*The Board took a break at 11:45 a.m., reconvening its public meeting at 11:55 a.m.*

E. 2005-0001, Sondra Wilkening, LPC-1256

Ms. Perry-Johnson summarized the facts of the case.

Ms. Wilkening and her attorney, Ana Young, appeared in person and addressed the Board.

The complainant appeared in person and addressed the Board.

Following review and discussion by members, Dr. Pickens moved, seconded by Mr. Herrera, to adopt the recommendation of the Marriage and Family Therapy Credentialing Committee to accept the proposed consent agreement and, if refused by the professional, to invite her to participate in a formal interview and, if refused, to remand this matter to formal hearing. The motion carried with Ms. Nix and Dr. Davis opposed. See attached roll call.

*F. 2007-0098, Brooks Gibson, LPC-10022*

The professional was properly noticed, but did not appear.

Ms. Reynolds summarized the results of the Board's investigation.

Following review and discussion, Ms. de Blank moved, seconded by Mr. Herrera, to adopt the recommendation of the Counseling Credentialing Committee to accept the proposed consent agreement and, if refused by the professional, to invite him to participate in a formal interview and, if refused, to remand this matter to formal hearing. The motion passed unanimously. See attached roll call.

*G. 2008-0003, John Sprissler, LAMFT applicant*

Ms. Blatner summarized the results of the Board's investigation.

Mr. Sprissler appeared in person and addressed the Board.

Following review and discussion, Ms. de Blank moved, seconded by Mr. Evans, to accept the Marriage and Family Therapy Credentialing Committee's recommendation to accept the signed consent agreement. The motion passed unanimously. See attached roll call.

*H. 2004-0032, Richard Peck, LPC-1620*

Ms. Perry-Johnson summarized the results of the Board's investigation.

Mr. Peck addressed the Board telephonically.

The complainant appeared in person and addressed the Board.

Following review and discussion, Ms. de Blank moved, seconded by Dr. Pickens, to accept the Counseling Credentialing Committee's recommendation to dismiss the complaint and issue a letter of concern. The motion passed unanimously.

*I. 2007-0131, Elisabeth Davies, LPC-1584*

Ms. Reynolds summarized the Counseling Committee's decision not to offer the professional a consent agreement and to recommend to the Board to remand this matter to formal hearing.

Ms. Davies appeared in person and addressed the Board. She also addressed concerns and requested clarification regarding Board processes.

Dr. Davis moved, seconded by Mr. Evans, to remand the matter back to the Counseling Credentialing Committee to allow the committee to develop a consent agreement for Board consideration. The motion passed unanimously.

*J. NJ07-0023, Linda Tilton*

Ms. Tilton was properly noticed, but did not appear.

Following review and discussion by members, Mr. Evans moved, seconded by Ms. de Blank, to dismiss the complaint as non-jurisdictional. The motion passed unanimously. See attached roll call.

**8. Applications for licensure: review, consideration and action**

*Social Work*

Dr. Davis moved, seconded by Mr. Herrera, to approve 6 applicants as Licensed Clinical Social Workers, 6 applicants as Licensed Master Social Workers and 1 applicant as a Licensed Baccalaureate Social Worker. The motion passed unanimously.

Dr. Davis moved, seconded by Mr. Evans, to deny 2 applicants for social work licensure based on failure to pass the required exam, 1 applicant based on failure to meet minimum requirements in education and/or supervised work experience and 1 applicant based on unprofessional conduct. The motion passed unanimously.

### *Counseling*

Ms. de Blank moved, seconded by Mr. Herrera, to approve 11 applicants as Licensed Professional Counselors and 22 applicants as Licensed Associate Counselors. The motion passed unanimously.

Ms. de Blank moved, seconded by Mr. Evans, to deny 2 applicants for counseling licensure based on failure to establish that they meet minimum licensure requirements in education and/or supervised work experience. The motion passed unanimously.

### *Substance Abuse*

Mr. Evans moved, seconded by Mr. Herrera, to approve 3 applicants as Licensed Associate Substance Abuse Counselors and 1 applicant as a Licensed Substance Abuse Technician. The motion passed unanimously.

Mr. Evans moved, seconded by Dr. Pickens, to deny 2 applicants for substance abuse licensure based on their failure to establish that they meet minimum requirements in education and/or supervised work experience. The motion passed unanimously.

### *Marriage & Family Therapy*

Dr. Pickens moved, seconded by Mr. Evans, to approve 2 applicants as Licensed Marriage and Family Therapists and 10 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously.

Dr. Pickens moved, seconded by Mr. Evans, to approve 1 applicant as a Licensed Associate Marriage and Family Therapist. The motion passed unanimously.

Dr. Pickens moved, seconded by Mr. Evans, to deny 1 applicant for marriage and family therapy licensure based on failure to establish that the applicant meets minimum requirements in education and/or supervised work experience and 3 applicants based on failure to pass the required exam. The motion passed unanimously.

*The Board took a break at 1:45 p.m., reconvening its public meeting at 1:55 p.m.*

## **9. Report from Chair.**

### *A. Chair report*

No report.

### *B. Member reports*

No reports.

## **10. Report from Treasurer**

### *A. Monthly financial report*

Dr. Pickens reported regarding the monthly financial report.

Dr. Pickens moved, seconded by Mr. Herrera, to accept the monthly financial report as presented. The motion passed unanimously.

### *B. FY09 Board Budget*

Ms. Rinaudo reported regarding the Board's proposed FY09 budget.

Dr. Davis moved, Dr. Pickens, to approve the Board's FY09 budget as presented. The motion passed unanimously.

## **11. Report from the Executive Director and/or staff**

### *A. General Agency Operations*

No report.

### *B. Appointment of delegates to CAP*

Mr. Evans moved, seconded by Mr. Herrera, to approve the request to send the Executive Director to the CAC conference. The motion passed unanimously.

### *C. AAG to FARB*

Mr. Herrera moved, seconded by Ms. de Blank, to approve the request to send Mr. Harris, A.A.G., to the FARB conference. The motion passed unanimously.

*D. Procedure for distributing information*

Members discussed their preference to receive all information submitted by complainants and professionals too late to include in the Board's monthly meeting packets.

Ms. Rinaudo explained current processes for distributing such late information.

Members requested that all information submitted late be sent by mail or fax to members before a meeting when possible. Ms. Nix also requested that all correspondence from attorneys be provided to members.

**12. Committee reports**

*A. Personnel Subcommittee*

Members reviewed the FY07 strategic plan outcomes and the proposed FY08 strategic plan developed by the Personnel Subcommittee.

Dr. Pickens moved, seconded by Mr. Herrera, to accept the FY07 outcomes and FY08 strategic plan as presented. The motion passed unanimously.

**13. National and regional trends and news regarding the profession(s)**

None

**14. Future agenda items**

1. *Discussion of A.R.S. §32-3206.*
2. *Investigative reports.*

**15. Call for public comment**

None

**16. Establishment of future meeting dates**

The next meeting is scheduled for September 7, 2007, at 9:00 a.m., at 3443 North Central Avenue, Room 908.

**17. Adjournment**

Dr. Pickens moved, seconded by Mr. Evans, to adjourn. The motion passed unanimously and the meeting was adjourned at 2:25 p.m.

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Julian Pickens  
Secretary/Treasurer

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Date