

1 **BEFORE THE ARIZONA BOARD**  
2 **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Charles Fenigstein, LISAC-11498,**  
5 **Licensed Independent Substance Abuse**  
6 **Counselor,**  
7 **In the State of Arizona.**

8 **Respondent**

**CASE NO. 2022-0009**  
**INTERIM CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona State Board of  
10 Behavioral Health Examiners (“Board”) and Charles Fenigstein (“Respondent”), the parties  
11 enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order  
12 (“Interim Consent Agreement”) as an interim disposition of this matter.

13 **RECITALS**

14 Respondent understands and agrees that:

15 1. The Board may adopt this Interim Consent Agreement, or any part thereof,  
16 pursuant to A.R.S. § 32-3251 *et seq.* and A.R.S. § 41-1092.07(F)(5).

17 2. Respondent has read and understands this Interim Consent Agreement as set  
18 forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an  
19 attorney or has waived the opportunity to discuss this Interim Consent Agreement with an  
20 attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so  
21 agrees to abide by all of its terms and conditions.

22 3. By entering into this Interim Consent Agreement, Respondent freely and  
23 voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as  
24 well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other

25 ...

1 administrative and/or judicial action, concerning the matters related to the Interim Consent  
2 Agreement.

3 4. Respondent understands that this Interim Consent Agreement does not  
4 constitute a dismissal or resolution of this matter or any matters that may be currently pending  
5 before the Board and does not constitute any waiver, express or implied, of the Board's  
6 statutory authority or jurisdiction regarding any other pending or future investigations, actions,  
7 or proceedings. Respondent also understands that acceptance of this Interim Consent  
8 Agreement does not preclude any other agency, subdivision, or officer of this State from  
9 instituting civil or criminal proceedings with respect to the conduct that is the subject of this  
10 Interim Consent Agreement. Respondent does not intend their acceptance of this Interim  
11 Consent Agreement to constitute an admission of any fact or facts and they enter into this  
12 agreement as an interim compromise of a pending matter. Respondent further does not  
13 relinquish their rights to an administrative hearing, rehearing, review, reconsideration, judicial  
14 review or any other administrative and/or judicial action, concerning the matters related to a  
15 final disposition of this matter, unless they affirmatively does so as part of the final resolution of  
16 this matter.

17 5. Respondent acknowledges and agrees that upon signing this Interim Consent  
18 Agreement and returning it to the Board's Executive Director, Respondent may not revoke their  
19 acceptance of this Interim Consent Agreement or make any modifications to it. Any  
20 modification of this original document is ineffective and void unless mutually approved by the  
21 parties in writing.

22 6. Respondent understands that this Interim Consent Agreement shall not become  
23 effective unless and until it is adopted by the Board and signed by its Executive Director.

24 7. Respondent understands and agrees that if the Board does not adopt this  
25 Interim Consent Agreement, they will not assert in any future proceedings that the Board's

1 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or  
2 other similar defense.

3 8. Respondent acknowledges and agrees that the acceptance of this Consent  
4 Agreement is solely to settle this Board matter and does not preclude the Board from instituting  
5 other proceedings as may be appropriate now or in the future. Furthermore, and  
6 notwithstanding any language in this Consent Agreement, this Consent Agreement does not  
7 preclude in any way any other state agency or officer or political subdivision of this state from  
8 instituting proceedings, investigating claims, or taking legal action as may be appropriate now  
9 or in the future relating to this matter or other matters concerning Respondent, including but not  
10 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other  
11 than with respect to the Board, this Consent Agreement makes no representations, implied or  
12 otherwise, about the views or intended actions of any other state agency or officer or political  
13 subdivision of the state relating to this matter or other matters concerning Respondent.

14 9. Respondent understands that this Interim Consent Agreement is a public record  
15 that may be publicly disseminated as a formal action of the Board, and that it shall be reported  
16 as required by law to the National Practitioner Data Bank.

17 10. Respondent understands that this Interim Consent Agreement does not alleviate  
18 their responsibility to comply with the applicable license-renewal statutes and rules. If this  
19 Interim Consent Agreement remains in effect at the time Respondent's behavioral health  
20 licenses come up for renewal, they must renew their license(s) if Respondent wishes to retain  
21 their license(s). If Respondent elects not to renew their license(s) as prescribed by statute and  
22 rule, Respondent's license(s) will not expire but rather, by operation of law (A.R.S. § 32-3202),  
23 become suspended until the Board takes final action in this matter. Once the Board takes final  
24 action, in order for Respondent to be licensed in the future, they must submit a new application  
25 for licensure and meet all of the requirements set forth in the statutes and rules at that time.

1 11. Respondent understands that any violation of this Interim Consent Agreement  
2 constitutes unprofessional conduct under A.R.S. § 32-3251(16)(n), violating a formal order,  
3 consent agreement, term of probation or stipulated agreement, and may result in disciplinary  
4 action under A.R.S. § 32-3281.

5 Respondent understands and agrees that:

6 **INTERIM FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for licensing and regulating the  
8 practice of substance abuse counseling in the State of Arizona.

9 2. Respondent is the holder of License No. LISAC-11498.

10 3. Respondent agrees to voluntarily enter into this interim consent agreement while  
11 he tends to his substance abuse recovery efforts.

12 **INTERIM CONCLUSIONS OF LAW**

13 1. The Board possesses subject matter and personal jurisdiction over Respondent  
14 pursuant to A.R.S. § 32-3251 *et seq.*

15 2. The Board is authorized to enter into an interim consent agreement with a  
16 substance abuse counselor to limit or restrict the professional's practice in order to protect the  
17 public and ensure that the professional is able to safely engage in the practice of substance  
18 abuse counseling pursuant to A.R.S. § 32-3281.

19 **INTERIM ORDER**

20 Based on the Interim Findings of Fact and Interim Conclusions of Law, and pursuant to  
21 the authority granted to the Board under A.R.S. § 32-3281:

22 **IT IS HEREBY ORDERED** that Respondent shall not practice under their license until  
23 such time as they submit a written request for the reinstatement of their license to the Board and  
24 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its  
25 ...


1 discretion, require any combination of staff-approved physical, psychiatric, or psychological  
2 examinations, or other types of examinations, evaluations or interviews it believes are  
3 necessary to assist the Board in determining whether Respondent is able to safely and  
4 competently return to the practice of substance abuse counseling. The Board's affirmative  
5 approval to permit Respondent to return to practicing under their license shall not preclude the  
6 Board from taking any other action it deems appropriate based upon the conduct set forth in the  
7 Interim Findings of Fact.

8 Respondent's agreement not to practice under License No. LISAC-11498 will be  
9 considered an interim suspension of their license.

10  
11 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

12   
13 Charles Fenigstein Oct 1, 2021  
Date

14 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

15 By:   
16 TOBI ZAVALA, Executive Director Oct 12, 2021  
17 Arizona Board of Behavioral Health Examiners Date

18 **ORIGINAL** of the foregoing filed Oct 12, 2021  
19 with:

20 Arizona Board of Behavioral Health Examiners  
21 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

22 **EXECUTED COPY** of the foregoing sent electronically Oct 12, 2021  
23 to:

24 Mona Baskin  
25 Assistant Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

1 Charles Fenigstein  
2 Address of Record  
3 Respondent

3 Mandi J. Karvis  
4 One North Central Avenue Suite 885  
5 Phoenix AZ 85004  
6 Attorney for Respondent

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