

Respondent was the father of her baby.

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- b. Client reported that their relationship began while Respondent was still employed at Agency and continued until she was instructed by her family attorney and the Department of Child Services to end contact.

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6. In review of Client's treatment records from other Agency providers, the following information was learned:

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a. July 5, 2018 Progress Note:

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- Client indicated how Respondent doesn't help her life and leaves her disappointed.
 - Client shared a brief text exchange with Respondent and a recent conversation she had with a DCS worker.
 - Client recognized that she needs to focus on her use of skills consistently to include when she has the urge to contact Respondent.

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b. July 19, 2018 Progress Note:

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- Client stated, 'I get my daughter back full time, I have a full time job, and I cut [Respondent] out of my life.'
 - "She confided feeling uncertain about the future because she is now on her own with DCS case closing, child home, baby on the way, [Respondent] out of her life, and working full time."

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7. For several months and through numerous efforts, Board staff attempted to notify Respondent of the complaint and obtain his response to the allegations.

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8. Aside from being properly served a copy of the complaint to his mailing address of record, Respondent, upon his request, was also sent a copy of the complaint via email.

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9. Board staff attempted to communicate with Respondent on at least 15 different occasions regarding the complaint and his response to the allegations.

1 10. Also, as part of Board staff's attempts to obtain Respondent's cooperation with the
2 investigation, Respondent was issued a Subpoena to Appear. Respondent failed to comply with the
3 subpoena.

4 11. Although Respondent eventually confirmed that he received the complaint via email,
5 Respondent failed to provide the Board with a written response to it as required.

6 12. Notably, during Board staff's November 28, 2018 telephonic contact with Respondent, he
7 indicated the following:

- 8 a. Respondent has been avoiding Board staff because he is very stressed with this
9 complaint as well as other things in his life.
- 10 b. He is not competent to practice under his license right now.
- 11 c. When asked by Board staff if he is the father of Client's baby, Respondent stated that
12 he needs to consult with an attorney.

13 13. On two subsequent occasions, December 4 and 5, 2018, Board staff called Respondent
14 and left voice mail messages. Respondent did not return those phone calls.

15 14. During the Board's investigation, which proceeded without his cooperation, Board staff
16 reviewed Client's public Facebook profiles, which revealed the following:

- 17 a. February 3, 2018: Client posted a picture of herself on Facebook, which was "liked"
18 by Respondent.
- 19 b. October 25, 2018: Client posted a group picture as her Facebook background image,
20 which included Respondent in it.

21 15. On December 14, 2018, Board staff obtained Respondent's mobile cell phone records,
22 which were subpoenaed from his mobile provider.

23 16. Respondent's cell phone records revealed that, from February 2018 through October
24 2018, Respondent and Client exchanged over 10,000 text and phone call communications.

25 17. Respondent and Client's communications included hundreds of late-night contacts such
as 12 a.m., 1 a.m., etc.

Case No. 2017-0066

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2 18. On November 14, 2016, Respondent self-reported that he was arrested for DUI.

3 19. The police records regarding Respondent's DUI arrest included the following
4 information:

- 5 a. On November 4, 2016 at 1:54 a.m., Officer observed Respondent driving on a one-
6 way street going the wrong way.
- 7 b. Respondent told Officer that it was his girlfriend's birthday and he was the
8 designated driver for the evening.
- 9 c. Respondent stated that he was Mormon and he did not drink alcohol.
- 10 d. While speaking with Respondent, Officer observed the following:
- 11 • Eyes: Bloodshot/watery
 - 12 • Speech: Slurred/slow
 - 13 • Odor of intoxicating liquor: Yes
- 14 e. Respondent's field sobriety test resulted in 6 of 6 cues of impairment.
- 15 f. Respondent submitted to 3 breathalyzer tests, which recorded his BAC as high as
16 .149.

17 20. On February 9, 2017, Respondent pled guilty to DUI to the Slightest Degree and False
18 Information to Law Enforcement.

19 21. In a February 2017 written statement to the Board, Respondent indicated the following:

- 20 a. Starting in June 2016, Respondent began to relapse on occasion after being regularly
21 assaulted by his wife.
- 22 b. Respondent is currently sober and has abstained from alcohol since December 26,
23 2016.
- 24 c. Although Respondent is completely abstinent, he knows that he is susceptible for
25 relapse due to the nature of addiction and his history of substance abuse issues
regarding alcohol.

CONCLUSIONS OF LAW

1 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.* and the
2 rules promulgated by the Board relating to Respondent's professional practice as a licensed behavioral
3 health professional.

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5 2. The conduct and circumstances described in the Findings of Fact constitute a violation of
6 A.R.S. § 32-3251(16)(v), engaging in any sexual conduct between a licensee and a client or former client.

7 3. The conduct and circumstances described in the Findings of Fact constitute a violation of
8 A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the Board or its
9 investigators or representatives if legally requested by the Board.

10 4. The conduct and circumstances described in the Findings of Fact constitute a violation of
11 A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs the ability of the
12 licensee to safely and competently practice the licensee's profession.

ORDER

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14 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following
15 order:

16 License No. LAC-15804, issued to Byron G. Watson is hereby REVOKED.

RIGHT TO PETITION FOR REHEARING OR REVIEW

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18 Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition
19 with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-
20 1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-6-
21 1002. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not
22 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

23 Respondent is further notified that the filing of a motion for rehearing is required to preserve any
24 rights of appeal to the Superior Court.

25 ...

Dated this 4 day of March, 2019.



Tobi Zavala, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 4 day of March, 2019, with:

The Board of Behavioral Health Examiners
1740 W. Adams Street, Suite 3600
Phoenix, AZ 85007

COPY of the foregoing mailed via

Certified mail no. 9489009000276044090300

This 4 day of March, 2019, to:

Byron G. Watson
Address of Record
Respondent

COPY of the foregoing sent by mail

This 4 day of March, 2019 to:

Marc Harris
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
Attorney for the State of Arizona

COPY of the foregoing sent by mail

This 4 day of March, 2019 to:

Anne Froedge
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
Attorney for the Board of Behavioral Health Examiners

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

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

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

22 7. Respondent understands and agrees that if the Board does not adopt this
23 Interim Consent Agreement, they will not assert in any future proceedings that the Board's
24 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or
25 other similar defense.

1 appropriate final disposition in this matter, the parties agreed to enter into this Interim Consent
2 Agreement. The Interim Consent Agreement is intended to protect the public and ensure that
3 Respondent is able to safely engage in the practice of behavioral health in Arizona.

4 INTERIM CONCLUSIONS OF LAW

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

7 2. The Board is authorized to enter into an interim consent agreement with an a
8 counselor to limit or restrict the professional's practice in order to protect the public and ensure
9 that the professional is able to safely engage in the practice of counseling pursuant to A.R.S. §
10 32-3281.

11 INTERIM ORDER


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

14 **IT IS HEREBY ORDERED** that Respondent shall not practice under their license until
15 such time as they submit a written request for the reinstatement of their license to the Board and
16 the Board affirmatively approves Respondent's request for reinstatement. The Board may, in its
17 discretion, require any combination of staff-approved physical, psychiatric, or psychological
18 examinations, or other types of examinations, evaluations or interviews it believes are
19 necessary to assist the Board in determining whether Respondent is able to safely and
20 competently return to the practice of counseling. The Board's affirmative approval to permit
21 Respondent to return to practicing under their license shall not preclude the Board from taking
22 any other action it deems appropriate based upon the conduct set forth in the Interim Findings
23 of Fact.

24 Respondent's agreement not to practice under License No. LAC-15804 will be
25 considered an interim suspension of their license.

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PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT




Byron G. Watson

2/8/17
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 7th day of March, 2017.

By: 
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed

This 7th day of March, 2017, with:

Arizona Board of Behavioral Health Examiners
3443 N. Central Ave., Suite 1700
Phoenix, AZ 85012

COPY of the foregoing mailed via Interagency Mail

This 7th day of March, 2017, to:

Marc Harris
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed via

Certified mail no. 70141200000060339837
This 7th day of March, 2017, to:

Byron G. Watson
Address of Record
Respondent