

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

3 **In the Matter of:**

4 **Joseph A. Sullivan, LPC-17630,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2019-0124
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER

8 In the interest of a prompt and speedy settlement of the above captioned matter,
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)
11 and 41-1092.07(F)(5), Joseph A. Sullivan ("Respondent") and the Board enter into this Consent
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
13 disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits may be
18 retained in the Board's file pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably
21 waives their right to such formal hearing concerning these allegations and irrevocably waives
22 their right to any rehearing or judicial review relating to the allegations contained in this Consent
23 Agreement.

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 Consent Agreement.

- a. Beginning in 08/18, Respondent began hugging Client at the end of her sessions.
- b. Respondent put his arm around Client, pressed her close to him and kissed her forehead.
- c. As he was sitting next to her, he ran his hands through her hair.
- d. "He kissed me across my forehead, he kissed my cheek, he kissed the corner of my mouth, he kissed the top of my head."
- e. Respondent told Client how beautiful and attractive she was.
- f. Respondent told her she was his first love.
- g. On one occasion, they went to his car and Respondent pulled out pillows from the backseat.
- h. He said he brought them so it would be more comfortable for Client to lean over the center console.
- i. During sessions, he spoke about his sexuality indicating that he had a secret, and disclosed to her that he has never had sex before and that he used to have problems with masturbation.

5. In 05/19, due to the egregiousness of the allegations, the Board offered Respondent an Interim Consent Agreement, which would temporarily suspend Respondent's license while Board staff fully investigated the complaint.

6. Respondent subsequently signed and returned the Interim Consent Agreement.

7. In review of their communications, Respondent sent Client numerous inappropriate text messages and emojis, which included frequent comments of 'I love you.'

8. Respondent's communications were neither included nor referenced in the clinical record.

1 9. In review of Client's clinical record, she presented with constant and severe
2 suicidal ideation, among other issues.

3 10. Despite Client's serious behavioral health issues and vulnerabilities, Respondent
4 continued to engage Client in a highly inappropriate and dual relationship, while inadequately
5 addressing her needs.

6 11. In both their counseling sessions and outside meet-ups, Respondent
7 acknowledges hugging, touching, caressing, stroking, and kissing Client on areas of her face.

8 12. In total, Respondent estimates that he met with Client out-of-the office
9 approximately 15 times.

10 13. None of Respondent's meet-ups were included or referenced in the clinical
11 record, which renders them nonprofessional and nontherapeutic.

12 14. In summary:

13 a. Respondent failed to inform his clinical supervisor of his conduct with Client,
14 despite receiving clinical supervision on a regular basis.

15 b. Respondent failed to document any of his outside meet-ups or
16 communications with Client.

17 c. Respondent acknowledges speaking to Client about his own sexuality and
18 the fact that he had never had sex before.

19 d. In many instances, Respondent initiated the outside meet-ups, which
20 suggests that his actions were for self-serving purposes rather than hers.

21 e. Respondent acknowledges that he deliberately concealed his actions as he
22 was aware that they were inappropriate.

23 15. During the Board's investigation, Board staff also learned of the following:
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1 a. In 09/18, while Respondent was engaging in an inappropriate relationship
2 with Client, Respondent received a written reprimand for meeting with
3 another client outside of the clinical setting.

4 b. Respondent's 09/18 write up indicated:

- 5 • Never have private interaction with clients outside of the clinical setting.
- 6 • This violates ethical standards and should never happen.

7 c. In addition, in 05/19, Respondent's employer ("Executive Director") relayed
8 the following to the Board:

- 9 • Executive Director has received information that leads him to believe that
10 Respondent is unfit to perform the responsibilities of a licensed
11 professional counselor.
- 12 • On 04/22/19, another client disclosed that he was asked by Respondent
13 to meet privately outside of the office because Respondent needed
14 emotional support.
- 15 • Respondent explained his panic about the Board's investigation and
16 Respondent disclosed information about Client.
- 17 • The information was disclosed by this other client because he was
18 emotionally distraught and needed help to process why Respondent
19 would seek him for support.

20 16. When questioned about these issues by Board staff, Respondent indicated the
21 following:

22 a. Respondent acknowledges that he disregarded his commitment to his
23 employer and essentially lied.

1 b. When asked how the Board can have trust in Respondent given that he
2 violated the trust of his employer, Respondent indicated, "I don't know. I don't
3 see why they would trust me again."

4 c. When asked about the information regarding the other client that was
5 reported by Executive Director, Respondent acknowledged meeting with the
6 client and speaking to him about the Board's investigation.

7 d. When asked if he considered his actions to be exploitation of a client,
8 Respondent answered, "yeah."

9 **CONCLUSIONS OF LAW**

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

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

16 3. The conduct and circumstances described in the Findings of Fact constitute a
17 violation of A.R.S. § 32-3251(16)(y), engaging in a dual relationship with a client that could
18 impair the licensee's objectivity or professional judgment or create a risk of harm to the client.
19 For the purposes of this subdivision, "dual relationship" means a licensee simultaneously
20 engages in both a professional and nonprofessional relationship with a client that is avoidable
21 and not incidental.

22 4. The conduct and circumstances described in the Findings of Fact constitute a
23 violation of A.R.S. § 32-3251(16)(x), exploiting a client, former client or supervisee. For the
24 purposes of this subdivision, "exploiting" means taking advantage of a professional relationship
25 with a client, former client or supervisee for the benefit or profit of the licensee.

1 Phoenix, AZ 85004

2 Joseph A. Sullivan
3 Address of Record
4 Respondent

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BEFORE THE ARIZONA BOARD
OF BEHAVIORAL HEALTH EXAMINERS

In the Matter of:

Joseph A. Sullivan, LPC-17630,
Licensed Professional Counselor,
In the State of Arizona.

Respondent

CASE NO. 2019-0124
INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona State Board of Behavioral Health Examiners ("Board") and Joseph A. Sullivan ("Respondent"), the parties enter into this Interim Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement") as an interim disposition of this matter.

RECITALS

Respondent understands and agrees that:

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

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

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

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

3 Dated this 21 day of May, 2019.

4
5 By:



6 TOBI ZAVALA, Executive Director
7 Arizona Board of Behavioral Health Examiners

8 **ORIGINAL** of the foregoing filed

This 21 day of May, 2019, with:

9 Arizona Board of Behavioral Health Examiners
10 1740 West Adams Street, Suite 3600
11 Phoenix, AZ 85007

12 **COPY** of the foregoing mailed via Interagency Mail

This 21 day of May, 2019, to:

13 Marc Harris
14 Assistant Attorney General
15 2005 North Central Avenue
16 Phoenix, AZ 85004

17 **COPY** of the foregoing mailed via

Certified mail no. 948A009000276046495917

18 This 21 day of May, 2019, to:

19 Joseph A. Sullivan
20 Address of Record
21 Respondent
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