



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

August 24, 2017

James P. Popoff

Dear Mr. Popoff:

On August 4, 2017, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
2. A.R.S § 32-3251(16)(f), active habitual intemperance in the use of alcohol or active habitual substance abuse.

These violations were based on the following findings:

1. On 09/28/15, James P. Popoff ("Applicant") was arrested and later convicted of Extreme DUI.
2. According to the arresting officer's police report and supplemental information:
  - a. At approximately 12:42 a.m., Applicant passed the officer in the HOV lane.
  - b. Applicant's vehicle was swaying left and right and traveling at approximately 98 mph.
  - c. At approximately 2:23 a.m., Applicant's first Breathalyzer test yielded a BAC of 0.220.
  - d. At approximately 2:29 a.m., Applicant's second Breathalyzer test yielded a BAC of .209.
3. As a result of his Extreme DUI conviction:
  - a. Applicant was court ordered to complete various sentencing requirements including 9 days of incarceration and the installation of an ignition interlock device.
  - b. Applicant was involuntarily terminated from his place of employment as his DUI made him ineligible to perform essential job functions.
4. In review of Applicant's treatment history, he has received behavioral health services related to alcohol since at least 2015.
5. In 01/15, Applicant's psychological treatment records indicated he was seeking psychotherapy for emotional drinking, amongst other issues.
6. In 12/15, Applicant disclosed that he used alcohol to cope with stress during his DUI screening assessment.
7. In 06/17, Applicant began psychological services where his initial evaluation indicated:
  - a. Applicant currently consumes alcohol 2 times per week, normally on the weekends.

- b. He drinks between 8-10 drinks, usually vodka sodas.
- 8. Applicant's 06/26/17 progress note indicated:
  - a. Present alcohol problem.
  - b. "Binge drinks 8-15 shots of vodka on Saturdays."
- 9. Furthermore, had the Board not questioned Applicant on his mental health related treatment, the Board would have had no knowledge of his treatment history or condition, as he failed to disclose this information on his LAC application.

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on September 29, 2017, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board's new licensure statute, as of July 1, 2004, only persons holding licenses to practice social work may do so unless they are exempt from licensure pursuant to A.R.S. § 32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,



Tobi Zavala  
Executive Director