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7 Attorneys for the Arizona Board of Psychologist Examiners

8 **BEFORE THE ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS**

9
10 In the Matter of :

11 **JEFFREY SIEGEL, BCBA**

12 Board Certified Behavior Analyst
13 In the State of Arizona
14 Certification number 1-12-12122
Holder of License No. BEH-000132

Docket No. 21-17

**CONSENT AGREEMENT FOR
VOLUNTARY SURRENDER OF
LICENSE**

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16 In the interest of a prompt and judicious settlement of the above-captioned
17 matter before the Arizona Board of Psychologist Examiners (“Board”) and consistent
18 with public interest, statutory requirements and responsibilities of the Board and
19 pursuant to A.R.S. § 32-2061 *et seq.*, and A.R.S. § 41-1092.07(F)(5), Jeffrey Siegel,
20 BCBA. (“Respondent”), holder of License No. BEH-000132 and the Board enter into
21 this Consent Agreement for Voluntary Surrender of License (“Consent Agreement”) as
22 the final disposition of this matter.

23 **JURISDICTION**

24 1. The Board is authorized to regulate the practice of psychology and
25 behavior analysis in Arizona pursuant to A.R.S. § 32-2061, *et seq.*, and the rules
26 promulgated thereunder, found in Arizona Administrative Code (“A.A.C.” or “rules”) at

1 R4-26-101, *et seq.*

2 2. Respondent is the holder of license number BEH-000132 for the practice
3 of behavior analysis in the State of Arizona.

4 3. The Board has personal and subject matter jurisdiction over Respondent
5 pursuant to A.R.S. § 32-2061, *et seq.*, and the rules of A.A.C. R4-26-101, *et seq.*

6 **RECITALS**

7 Respondent understands and agrees that:

8 1. The Board and Respondent enter into this Consent Agreement to promptly
9 and judiciously resolve this matter, consistent with the public interest and the statutory
10 requirements of the Board.

11 2. Respondent has the right to consult with an attorney prior to entering into
12 this Consent Agreement.

13 3. Respondent has a right to a public hearing concerning this case. He further
14 acknowledges that at such formal hearing he could present evidence and cross-examine
15 witnesses. Respondent irrevocably waives his right to such a hearing.

16 4. Respondent irrevocably waives any right to rehearing or review or to any
17 judicial review or any other appeal to this matter.

18 5. Respondent acknowledges and agrees that the acceptance of this Consent
19 Agreement is solely to settle this Board matter and does not preclude the Board from
20 instituting other proceedings as may be appropriate now or in the future.

21 6. Respondent understands that this Consent Agreement does not constitute a
22 dismissal or resolution of any other matters currently pending before the Board, if any,
23 and does not constitute any waiver, express or implied, of the Board's statutory authority
24 or jurisdiction regarding any other pending or future investigation, action or proceeding.

25 7. Furthermore, and notwithstanding any language in this Consent
26 Agreement, this Consent Agreement does not preclude in any way any other state

1 agency or officer or political subdivision of this state from instituting proceedings,
2 investigating claims, or taking legal action as may be appropriate now or in the future
3 relating to this matter or other matters concerning Respondent, including violations of
4 the Arizona Consumer Protection Act. Respondent acknowledges that, other than with
5 respect to the Board, this Consent Agreement makes no representations, implied or
6 otherwise, about the views or intended actions of any other state agency or officer or
7 political subdivision of the state relating to this matter or other matters concerning
8 Respondent.

9 8. This Consent Agreement shall be subject to the approval by the Board and
10 shall be effective only when approved by the Board and signed by the Board's Executive
11 Director. In the event that the Board does not approve this Consent Agreement, it is
12 withdrawn and shall be of no evidentiary value and shall not be relied upon nor
13 introduced in any action by any party, except the parties agree that should the Board
14 reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert
15 no claim that the Board was prejudiced by its review and discussion of this document or
16 any records relating thereto.

17 9. The Consent Agreement, once approved by the Board and signed by the
18 Respondent and the Executive Director, shall constitute a public record, which may be
19 disseminated as a formal action of the Board and shall be reported to the National
20 Practitioner Data Bank.

21 10. Although Respondent does not agree that all the Findings of Fact set forth
22 in this Consent Agreement are supported by the evidence, Respondent acknowledges
23 that it is the Board's position that, if this matter proceeded to formal hearing, the Board
24 could establish sufficient evidence to support a conclusion that certain of Respondent's
25 conduct constituted unprofessional conduct.

26 11. Respondent voluntarily enters into this Consent Agreement for the purpose

1 of avoiding the expense, uncertainty, and prolonged time involved in further
2 administrative proceedings. The issues contained herein are resolved by settlement and
3 not actually litigated. Any allegations and findings herein may not be used for *res*
4 *judicata* or collateral estoppel effect in any subsequent civil proceedings for any claims
5 of professional liability or negligence by or on behalf of Complainant(s).

6 12. Nothing stated herein shall or can be construed as an admission of any fact
7 or allegation by Respondent.

8 FINDINGS OF FACT

9 1. Respondent has been a licensed behavior analyst in Arizona since 2014. He
10 has been a Board Certified Behavior Analyst (“BCBA”) since 2012.

11 2. During the Committee on Behavior Analysis’s (“CBA”) 2/5/2021 review of
12 an application, the Applicant documented at least two attempts (December 2020 and
13 January 2021) to obtain supervisory documentation from Respondent, without success.

14 3. On or about December 31, 2020, Board staff emailed Respondent seeking
15 the supervision verification documentation but Respondent failed to respond. Only after
16 Board staff contacted Respondent’s former employer did he submit the requisite
17 supervision verification documentation.

18 4. Respondent last renewed his Arizona Behavior license on 5/27/2020. The
19 records in the board’s database indicated that his residential and work addresses were
20 both in Phoenix, Arizona; however, Respondent submitted documents that showed a
21 different address in Agoura Hills, California. Respondent failed to notify the Board of
22 his change in address.

23 5. On March 12, 2021, the Board opened complaint no. 21-17 against
24 Respondent and on March 17, 2021, Board staff mailed a complaint notification letter to
25 him that indicated his written response to the complaint was due by April 19, 2021.
26 Respondent failed to respond.

6. On May 4, 2021, Board staff mailed a meeting notice and subpoena to Respondent's address of record. The subpoena commanded his appearance at the upcoming CBA meeting to provide testimony and to submit his written response to the complaint by May 20th. The tracking number reflects that the subpoena/notice was delivered May 7, 2021. Board staff also emailed the subpoena and meeting notice to Respondent. Respondent failed to respond to the subpoena.

CONCLUSIONS OF LAW

1. The conduct set forth in the above constitutes unprofessional conduct and is a violation of A.R.S. §32-2091(12)(bb), which is failing to furnish information in a timely manner to the board its investigator representative if requested for subpoenaed by the board;

2. The conduct set forth in the above constitutes unprofessional conduct and is a violation of A.R.S. §32-2091(dd), which is violating and ethical standards adopted by the board as it relates to sections 2.0 and 9.01 of the Behavioral Analysis Certification Board's ethical code for behavior analysts.

3. The conduct set forth in the above constitutes unprofessional conduct and is a violation of A.R.S. §32-2091(12)(k), which is violating any federal or state law that relates to the practice of behavior analysis or to obtain a license to practice behavior analysis as it relates to A.R.S. §32-2066(B), requiring licensees to inform the Board within thirty (30) days of any change of residential or office addresses and phone numbers.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provisions and penalties imposed as follows:

1. Upon the effective date of this Consent Agreement, Respondent's license number BEH-000132 for the practice of behavior analysis in the State of Arizona shall be

1 surrendered. Once the surrender is effectuated, **Respondent shall not practice behavior**
2 **analysis in the State of Arizona or hold himself out as a licensed behavior analyst in**
3 **the State of Arizona.** The effective date of this Consent Agreement is the date the
4 Consent Agreement is accepted by the Board as evidenced by the signature of the
5 Board's Executive Director.

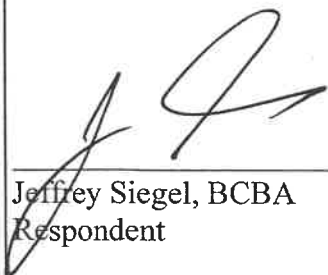
6 2. Respondent has read and understands this Consent Agreement as set forth
7 herein, and has had the opportunity to discuss this Consent Agreement with an attorney
8 or has waived the opportunity to discuss this Consent Agreement for the purpose of
9 avoiding the expense and uncertainty of an administrative hearing.

10 3. Respondent understands that this Consent Agreement, or any part thereof,
11 may be considered in any future disciplinary action against him or in any future decision
12 regarding re-licensure.

13 4. Respondent understands that the foregoing Consent Agreement shall not
14 become effective unless and until adopted by the Board and executed on behalf of the
15 Board. Any modification to this original document is ineffective and void unless
16 mutually approved by both parties in writing.


17 5. Respondent understands that this Consent Agreement is a public record and
18 may be publicly disseminated as a formal action of the Board and shall be reported to the
19 National Practitioner Data Bank.

20
21 DATED this 9, day of August, 2021.

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Jeffrey Siegel, BCBA
Respondent

Arizona Board of
Psychologist Examiners



Heidi Herbst Paakkonen
Executive Director

1 ORIGINAL of the foregoing e-filed
2 this 9 day of August, 2021 with:

3 Arizona Board of Psychologist Examiners
4 1740 W. Adams Street
5 Ste. 3403
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed by certified mail #9489009000276155081280
8 this 9 day of August, 2021 to:

9 Jeffrey Siegel
10 Address on Record
11 Respondent

12 COPY of the foregoing emailed
13 this 9 day of August, 2021 to:

14 Jeanne M. Galvin
15 Assistant Attorney General SGD/LES
16 Arizona Attorney General's Office
17 2005 North Central Ave.
18 Phoenix, AZ 85004
19 Jeanne.galvin@azag.gov

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By: Jennifer Michaelson
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