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BEFORE THE STATE OF ARIZONA BOARD OF ATHLETIC TRAINING

In the Matter of:
WILLIAM YAW,
Holder of License No. ATR-001437
to Practice as an Athletic Trainer
in the State of Arizona,

Respondent.

Board Case No.: 2019-AT-0008

**CONSENT AGREEMENT FOR
VOLUNTARY SURRENDER**

CONSENT AGREEMENT

In the interest of a prompt and judicious settlement of the above captioned matter, consistent with the public interest, statutory requirements, and responsibilities of the Arizona State Board of Athletic Training ("Board"), and pursuant to A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-4101, *et. seq.*, William Yaw, ("Respondent"), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement" or "Order"), as the final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this matter, and at this hearing, Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review, or any other administrative and/or judicial action concerning the matters set forth herein.

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1 3. Respondent acknowledges and agrees that, upon signing this Consent Agreement
2 and returning this document to the Board's Executive Director, he may not revoke his
3 acceptance of the Consent Agreement or make any modifications to the document
4 regardless of whether the Consent Agreement has been signed by the Executive
5 Director. Respondent understands that the foregoing Consent Agreement shall not
6 become effective until the Board approves the agreement and the Executive Director
7 signs it on behalf of the Board. Any modification to this original document is ineffective
8 and void unless approved by the Board.

9 4. Respondent understands that this Consent Agreement does not constitute a
10 dismissal or resolution of other matters currently pending before the Board, if any, and
11 does not constitute any waiver (express or implied) of the Board's statutory authority or
12 jurisdiction regarding any other pending or future investigation, action, or proceeding.
13 Respondent also understands that acceptance of this Consent Agreement does not
14 preclude any other agency, subdivision, or officer of this state from instituting other civil
15 or criminal proceedings with respect to the conduct that is the subject of this Consent
16 Agreement.

17 5. All admissions Respondent makes in this Consent Agreement are made solely for
18 the final disposition of this matter, and any related administrative proceedings or civil
19 litigation involving the Board and Respondent. This Consent Agreement is not intended
20 to be used for any other regulatory agency proceedings, or civil or criminal proceedings,
21 whether in the State of Arizona or any other state or federal court, except related to the
22 enforcement of the Consent Agreement itself.

23 6. If a court of competent jurisdiction rules that any part of this Consent Agreement
24 is void or otherwise unenforceable, the remainder of the Consent Agreement shall
25 remain in full force and effect.

26 7. Respondent shall assert no claim that the Board or its legal representative was
prejudiced by its review and discussion of this document or any records relating thereto
if this matter proceeds to a formal administrative hearing.

1 8. Respondent understands that this Consent Agreement is a public record that may
2 be disseminated as a formal action of the Board, and shall be reported as required by law
3 to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data
4 Bank.

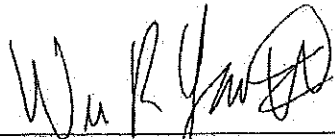
5 9. While Respondent neither admits nor denies the following Findings of Fact and
6 Conclusions of Law, Respondent acknowledges that, should this matter proceed to
7 hearing, the Board would be able to establish by a preponderance of the evidence that
8 Respondent engaged in conduct which would subject her to discipline under the Board's
9 statutes or rules. Therefore, Respondent has agreed to enter into this Consent Agreement
10 as an economical and practical means of resolving this case.

11 10. Respondent understands that this Consent Agreement may be used for purposes
12 of determining sanctions in future disciplinary proceedings.

13 11. Respondent understands that any violation of this Consent Agreement may
14 constitute a basis for discipline and is considered unprofessional conduct.

15 The Board issues the following Findings of Fact, Conclusions of Law, and Order:

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17 ACCEPTED AND AGREED this 3 day of January, 2020, by:

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22 WILLIAM YAW
23 Respondent

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FINDINGS OF FACT

1. On November 4, 2019, the Board voted to open a complaint regarding alleged sexual conduct with a minor at a Tucson, Arizona, high school based upon media reports.
2. Respondent was indicted on or about November 7, 2019 for allegations of sexual conduct with a minor in CR2019-5444-001. This matter is currently pending before superior court.
3. Respondent did not notify the Board of his arrest in CR2019-5444-001 within ten (10) business days pursuant to A.R.S. § 32-3208.
4. Respondent’s fingerprint clearance card was deemed “invalid” pursuant to the Arizona Department of Public Safety’s website.

CONCLUSIONS OF LAW

1. The Board is the duly constituted authority for licensing and regulating the practice of athletic training in the State of Arizona pursuant to A.R.S. § 32-4101, *et seq.*
2. The Board possesses jurisdiction over the subject matter and the Respondent pursuant to A.R.S. § 32-4101, *et seq.*
3. The Board has the authority to accept the voluntary surrender of a Respondent’s license pursuant to A.R.S. § 32-4156(7), as it relates to A.R.S. § 32-4153(9)(a) (“Engaging in sexual misconduct. . . Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a provider relationship exists.”), and as it relates to A.R.S. § 32-3208(“A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional’s regulatory board in writing within ten working days after the charge is filed”).

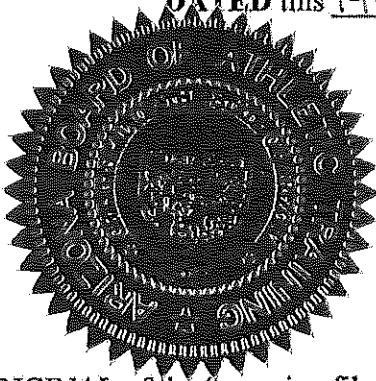
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ORDER

Based upon the above Findings of Fact and Conclusions of Law, the parties agree that Respondent hereby **VOLUNTARILY SURRENDERS** License Number ATR-001437 to practice as an Athletic Trainer in the State of Arizona.

DATED this 14th day of January, 2020.



ARIZONA STATE BOARD OF
ATHLETIC TRAINING

By: Karen Whiteford
KAREN WHITEFORD
Executive Director

ORIGINAL of the foregoing filed
this 14th day of January, 2020, with:

State of Arizona Board of Athletic Training
1740 West Adams Street, Suite 3407
Phoenix, AZ 85007

EXECUTED COPY of the foregoing mailed U.S. Certified and Regular Mail and Email
this 14th day of January, 2020, to:

William Yaw

Respondent

COPY of the foregoing emailed
this 14th day of January, 2020, to:

Sabrina Khan
Assistant Attorney General
2005 North Central Avenue, SGD/LES
Phoenix, AZ 85004
Attorneys for the Arizona Board of Athletic Training