

**LOUISIANA BEHAVIOR ANALYST BOARD**

**IN THE MATTER OF**

**COMPLAINT NUMBER: 2023-011B**

**BRIAN ESTEVE**

**LICENSE NO: L-004**

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**CONSENT AGREEMENT AND ORDER**

**WHEREAS**, BRIAN ESTEVE (“DR. ESTEVE”) is a Licensed Behavior Analyst (“LBA”), and is subject to the jurisdiction and rules and regulations of the Behavior Analyst Practice Act (La. R.S. 37:1001, et seq.), and the Professional and Occupational Standards for Behavior Analysts (LAC 46:VIII §301, et seq.);

**WHEREAS**, the Louisiana Behavior Analyst Board (“LBAB”) received information indicating that DR. ESTEVE may have allowed an individual who was not registered with the LBAB to engage in providing applied behavior analysis services to clients;

**WHEREAS**, by correspondence dated January 25, 2023, the LBAB notified DR. ESTEVE of the Board-initiated complaint filed against him, provided DR. ESTEVE with a summary of the nature of the complaint, and requested that DR. ESTEVE, within thirty (30) days, provide a statement giving his review of the circumstances that are the subject of the complaint;

**WHEREAS**, by letter received by the LBAB on February 23, 2023, DR. ESTEVE provided a response to the complaint, giving his review of the allegations set forth therein;

**WHEREAS**, the respondent, DR. ESTEVE, has indicated his desire to resolve this matter through a Consent Agreement and Order provided for in LAC 46:VIII §603 and La. R.S. 49:955(D) of the Louisiana Administrative Procedure Act;

**WHEREAS**, the Respondent, DR. ESTEVE, has admitted the following:

1. Respondent, DR. ESTEVE, is and was at all times pertinent to the facts and matters alleged herein, a Licensed Behavior Analyst, licensed by the LBAB to engage in the practice of behavior analysis in the State of Louisiana, as evidenced by LBA License Number L-004.
2. At all times pertinent to the facts of this case, DR. ESTEVE was actively engaged in the practice of Applied Behavior Analysis in New Orleans, Louisiana, at Gulfsouth Autism Center.
3. The Respondent, DR. ESTEVE, admits that he allowed an unregistered individual to provide behavior analysis services to clients for approximately two months.
4. The Respondent, DR. ESTEVE, admits that his conduct violated the following rules and regulations of the LBAB: La. R.S. 37:3716(A)(4), BACB Rules 1.01, 1.02, 2.06, LAC 46:VIII §304, and §1001.

WHEREAS, the Respondent, DR. ESTEVE, agrees not to repeat the misconduct mentioned in this Consent Agreement and Order and acknowledges that any further misconduct mentioned in this Consent Agreement and Order will be considered a violation of the terms of this Consent Agreement and Order and shall be cause for further disciplinary action. DR. ESTEVE further recognizes that any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by DR. ESTEVE shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of DR. ESTEVE to practice behavior analysis in the State of Louisiana for a period of up to two (2) years, as determined by the LBAB at a regularly scheduled meeting of the LBAB, without the need to institute new disciplinary proceedings against DR. ESTEVE.

**WHEREAS**, Respondent, DR. ESTEVE, recognizes his right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time DR. ESTEVE

would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on his behalf in defense or in mitigation of the charges made, and to a decision thereon by the LBAB based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. DR. ESTEVE nonetheless hereby waives his right to formal adjudication and, pursuant to La. R.S. 49:955(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. DR. ESTEVE also acknowledges that he hereby waives any rights to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which he otherwise may be afforded by any law to contest his agreement to, or the force and effect of this Consent Agreement and Order in any Court or other forum.

**IT IS HEREBY ORDERED** that in consideration of the foregoing and pursuant to the authority vested in the LBAB by La. R.S. 49:955(D), the LBAB orders and DR. ESTEVE accepts the following administrative action, which is a final decision pursuant to La. R.S. 49:958:

1. The LBAB license of DR. ESTEVE to be engaged in the practice of Applied Behavior Analysis in the State of Louisiana, as evidenced by the LBA License Number L-004, shall be, and is hereby REPRIMANDED, based upon the allegations of the complaint and investigation. DR. ESTEVE accepts and shall maintain strict compliance with the following terms and conditions.
2. DR. ESTEVE shall pay legal costs associated with the Complaint in the amount of TWO HUNDRED DOLLARS (\$200.00) as well as a fine as authorized by La. R.S. 37:3704(8) and La. R.S. 37:3712(C) for the above referred violations in the amount of ONE HUNDRED DOLLARS (\$100.00) within six (6) months from the date that all parties sign this Consent Agreement and Order, which payment shall be made by certified check or money order. The payment(s) shall be made in six installments of \$50.00, postmarked no later than the tenth (10<sup>th</sup>) day of each month, with the first payment due within thirty (30) days after the approval of this Agreement by the LBAB. There shall be no pre-payment penalty.

3. DR. ESTEVE shall participate in and cooperate with a practice and process audit by the LBAB Complaints Coordinator. He shall promptly provide any information requested in association with the audit.
4. DR. ESTEVE shall report the terms of this Consent Agreement and Order and its approval to any board or agency located in the United States with which she is professionally credentialed.
5. Any violation or failure of strict compliance with any of the terms and conditions set forth in this Consent Agreement and Order by DR. ESTEVE shall be deemed adequate and sufficient cause for the LBAB to immediately suspend the license of DR. ESTEVE to practice Applied Behavioral Analysis in the State of Louisiana for a period of up to two (2) years, as determined by the LBAB.
6. By agreeing to the terms of this Consent Agreement and Order, DR. ESTEVE waives all rights to appeal his consent to this Consent Agreement and Order or the approval of this Consent Agreement and Order by the LBAB.

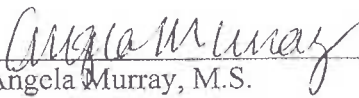
**THIS CONSENT AGREEMENT AND ORDER** shall take effect immediately upon adoption by the LBAB and is a matter of public record. The terms of this Consent Agreement and Order may be published and reported in, including but not limited to, the LBAB website, the BACB, and the National Practitioners Data Bank (NPDB).

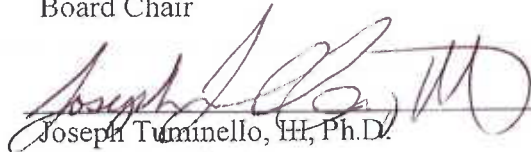
**THE ADMISSIONS AND FINDINGS CONTAINED HEREIN** are intended solely for the purpose of resolving the case at hand or in connection with other matters before the LBAB involving Respondent.

**ORDER**

The Louisiana Behavior Analyst Board, having examined the Consent Agreement and Order, Case No. 2023-011B, adopts the Consent Agreement and Order in the matter on this 17<sup>th</sup> day of May, 2023.

**LOUISIANA BEHAVIOR ANALYST BOARD**

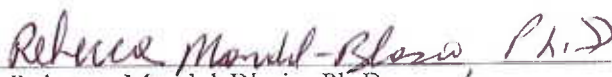
  
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Angela Murray, M.S.  
Board Chair

  
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Joseph Tuminello, III, Ph.D.  
Board Vice Chair

  
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Alfred Tuminello, Jr., M.A.  
Board Member

absent  
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Courtney Wright, M.Ed., J.D.  
Board Member

  
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Renee Cole, M.A.  
Board Member

  
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Rebecca Mandal-Blasio, Ph.D.  
Board Member

  
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Daniela Riofrio, M.S.  
Board Member

I, **JAMES R. RAINES**, serving as Prosecutor, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which BRIAN ESTEVE, could be charged under Complaint Number 2023-011B; and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint and represents a true and correct statement of that which could be proven at a hearing of this matter.

  
James R. Raines

5/10/23  
Date

I, **BRIAN ESTEVE**, make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint Number 2023-011B by Consent Agreement and Order (“Order”) pursuant to La. R.S. 49:955(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LBAB for its consideration and to disclose to and discuss with the LBAB the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:960. I expressly acknowledge that the disclosure of such information to the LBAB shall be without prejudice to the Prosecutor’s authority to file a formal Administrative Complaint, or the LBAB’s capacity to adjudicate such Administrative Complaint, should the LBAB decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LBAB approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

  
BRIAN ESTEVE


5/9/2023  
Date

I, **BRIAN ESTEVE**, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions.

DATED: 5/9/2023

  
BRIAN ESTEVE

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of May,  
2023, at New Orleans, Louisiana.

  
Notary Public  
Print Name: Bradley J. Spedale  
My Commission Expires: At Death

