



Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

*"Protecting the Public,
Serving the Industry"*

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OPEN SESSION MINUTES FOR MEETING OF THE ARIZONA STATE BOARD OF MASSAGE THERAPY

On Monday, August 23, 2021
Held virtually online

Board Members

Victoria Bowman, LMT, Chairwoman
Mlee Clark, LMT, Vice-Chairwoman
Nicholas L. McLain
John Ortega

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 9:01 a.m.

II. ROLL CALL

The following Board members were present: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Executive Director Tom Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Licensing Administrator Kathy Rich, Investigator David Elson, Licensing Specialist Paul Schuldt, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Seamus Monaghan. AAG Monique Coady participated in the virtual meeting to provide the Board with independent legal advice during the Hearing matter(s) as stated herein.

III. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

IV. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

There were no Conflicts of Interest declared by Board members at the start of the Board's meeting.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

- A. Discussion and approval of the Massage Board Open Minutes from the July 26, 2021 monthly meeting.

MOTION: Vice-Chairwoman Clark moved for the Board to approve the Open Minutes from the July 26, 2021 monthly meeting.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VI. CONSENT CALENDAR

- A. Review, discussion and possible action regarding the proposed amendments and updates to the Agency's policies and procedures.

MOTION: Chairwoman Bowmann moved for the Board to approve the proposed amendments and updates to the Agency's policies and procedures.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

- B. Formal Hearing

(1) 20-100 Liu, Jing Lan

AAG Monaghan participated in the virtual meeting on behalf of the State during the Board's consideration of this matter and AAG Coady participated to provide the Board with independent legal advice. Detective Dana Davis Richardson of the Tucson Police Department participated in the virtual meeting during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to adopt the factual allegations contained in the Complaint and Notice of Hearing as the Board's Findings of Fact in this matter.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Vice-Chairwoman Clark moved for the Board to adopt the alleged violations of law contained in the Complaint and Notice of Hearing and as revised by the State to revise alleged violation #5 to A.R.S. § 32-4253(A)(19) and violation #7 to include A.R.S. § 32-4225(D) in addition to A.R.S. § 32-3208.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Chairwoman Bowmann moved for the Board to revoke the license.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(2) 21-128 Shan, Danny

Mr. Shan participated in the virtual meeting during the Board's consideration of this matter. AAG Monaghan participated on behalf of the State and AAG Coady participated to provide the Board with independent legal advice.

MOTION: Vice-Chairwoman Clark moved for the Board to vacate the Hearing in this matter and accept the proposed Consent Agreement for \$500 Civil Penalty to be paid within 12 months, and requirement to complete 12 hours of pre-approved CE, 6 hours in ethics and 6 hours in business practices. The CE hours shall be in addition to the hours required for license renewal and shall be completed within 12 months.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(3) 21-161 Calmese, Juvall

Mr. Calmese participated in the virtual meeting for a portion of the Board's consideration of this matter. AAG Monaghan participated on behalf of the State and AAG Coady participated to provide the Board with independent legal advice.

MOTION: Chairwoman Bowmann moved for the Board to adopt the factual allegations contained in the Complaint and Notice of Hearing as the Board's Findings of Fact in this matter.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Vice-Chairwoman Clark moved for the Board to adopt the alleged violations contained in the Complaint and Notice of Hearing as the Board's Conclusions of Law in this matter.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Vice-Chairwoman Clark moved for the Board to revoke the license.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

C. Formal Interview

Vacant.

D. Investigative Review

(1) 21-159 Robinson, Tysie

Mr. Robinson and Attorney Shanks Leonhardt participated in the virtual meeting during the Board's consideration of this matter. Complainant JJ also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to issue a Non-Disciplinary Letter of Concern for failure to obtain written consent when seeing a minor.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(2) 22-101 Meade, Jan

Mr. Meade and Attorney Elliot Alford participated in the virtual meeting during the Board's consideration of this matter. Complainant CC and Attorney Bryan Antol also participated in the virtual meeting.

MOTION: Vice-Chairwoman Clark moved for the Board to offer a Consent Agreement for One Year Probation with \$300 Civil Penalty to be paid within 12 months and requirement to complete 12 hours of pre-approved CE in communication and ethics in addition to the CE hours required for license renewal to be completed within 6 months. If not signed within 20 days, this matter shall proceed to Formal Interview based on the potential violations of law and the factual allegations as set forth in the investigative report.

SECOND: Mr. Ortega

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(3) 22-106 Rodgers, Alphanos

MOTION: Chairwoman Bowmann moved for the Board to continue this matter to its next meeting.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

(4) 22-107 Johnwell, Cedric

Mr. Johnwell participated in the virtual meeting during the Board's consideration of this matter.

MOTION: Vice-Chairwoman Clark moved for the Board to offer a Consent Agreement for \$100 Civil Penalty to be paid within 90 days. If not signed within 20 days, this matter shall proceed to Formal Interview based on the potential violations of law and the factual allegations as set forth in the investigative report.

SECOND: Chairwoman Bowmann

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark and Mr. Ortega. The following Board member was absent: Mr. McClain.

VOTE: 3-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

E. License Request

Vacant.

VIII. EXECUTIVE DIRECTOR'S REPORT

- A. Presentation of plaque to Senior Investigator Andrew White for recognition of his years of service to the State of Arizona.



- B. Introduction of new Board staff members Investigator David R. Elson and Licensing Specialist Paul A. Schuldt.

IX. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MASSAGE BOARD AGENDAS

X. NEXT ARIZONA MASSAGE BOARD MEETING DATE

- A. Monday, September 27, 2021 at 9:00 a.m. *(meeting to be held via video conferencing)*

XI. ADJOURNMENT

The Board's meeting adjourned at 12:40 p.m.