



State of Arizona
Janice Brewer – Governor

Arizona State Board of Massage Therapy

"Protecting the Public's Health"

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Dennis Beye, LMT; Susan Pomfret, LMT; John Ortega, Public Member
Jennifer Coomes, LMT, Diane Pruetz, Public Member, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

October 26, 2009 10:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Mr. Beye, Chair, called the meeting to order at 10:02 am.

A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present: Dennis Beye, Chair, LMT
Susan Pomfret, Vice Chair, LMT
John Ortega, Secretary, Public Member
Jennifer Coomes, LMT

Board Members absent: Diane Pruetz, Public Member

B. Acknowledgement of presence of Board staff and legal counsel.

Dr. Runbeck gave a professional background on Kathleen Phillips.
Dr. Runbeck announced Rob Wilson's retirement effective November 13.

Assistant Attorney General: Elizabeth Campbell

Asst. Attorney General
Solicitor General Office: Christopher Munns – available by telephone

Board Staff present: Dr. Craig Runbeck, Executive Director
Kathleen Phillips, Deputy Director
Robert Wilson, Investigations
Ellen Boyd, Licensing Administrator

Board Staff absent: Stan Conger, Investigations

2. Call to the Public.

None

3. Discussion, Consideration and Possible Action of Consent Agenda (*Any item under consent may be removed for independent discussion and action by a Board Member.*)

- A. Approval of Minutes: August 24, 2009 Board Meeting Minutes.
- B. Approval of 267 Massage Therapy Applications: August 11, 2009 – October 12, 2009

MOTION: Ms. Pomfert moved to approve the consent agenda as presented.
Mr. Ortega seconded the motion.

VOTE: The Motion Passed 4 ayes, 0 nays

4. Discussion, Consideration and Possible Action of Regulatory Matters

A. Formal Hearing

- 1. Xiu Zhen Fan Case #08-106
Roll call was conducted to establish a quorum
Accused of sexual misconduct while giving a massage
Ms. Campbell made an opening statement and questioned Ms. Fan

Ms Pomfret moved to go to Executive Session for legal advice.
Ms. Coomes seconded the motion.

Vote: Ayes – 4
Nays – 0

Executive Session began at 10:25
Open Session reconvened at 10:32

Ms. Fan questioned Detective Wegener
Ms. Campbell made closing argument
Ms. Fan made closing argument

Ms. Pomfret made a motion to adopt the Finding of Facts as presented
Ms. Coomes seconded the motion

Vote: Ayes – 4
Nays – 0

Ms. Pomfert made a motion to adopt the Conclusions of Law as presented
Mr. Ortega seconded the motion

Vote: Ayes – 4
Nays – 0

Ms. Coomes made a motion for the revocation of Ms. Fan's license
Ms. Pomfret seconded the motion

Roll Call Vote:

Ms. Coomes – Aye
Ms. Pomfert – Aye
Mr. Ortega - Aye
Mr. Beye – Aye

Chairman Beye called for a break at 10:20 am
The Board Meeting reconvened at 10:22 am

- 2. Gui Zhi Wang Case #08-107

Roll call was conducted to establish a quorum
Accused of sexual misconduct while giving a massage

Ms. Pomfret moved to accept documentation as presented

Ms. Coomes seconded the motion
Vote: Ayes – 4
Nays – 0
Ms. Campbell made an opening statement
Ms. Wang addressed the board
Ms. Campbell questioned Officer Hopkins
Ms. Wang questioned Officer Hopkins

Chairman Beye called for a break at 10:55 am
The Board reconvened at 11:00 am

Ms. Campbell questioned Deputy King
Ms. Wang questioned Deputy King
Ms. Campbell questioned Detective Wegener
Chairman Beye questioned Detective Wegener
Ms. Campbell made closing argument
Ms. Wang made closing argument
The Board accepted evidence submitted by Ms. Wang
Mr. Ortega made a motion to adopt the Finding of Facts as presented
Ms. Pomfret seconded the motion
Vote: Ayes – 4
Nays – 0
Ms. Coomes made a motion to adopt the Conclusions of Law as presented
Mr. Ortega seconded the motion

Vote: Ayes – 3
Nays – 1
Ms. Coomes made a motion to revoke Ms. Wang's license
Mr. Ortega seconded the motion

Roll Call Vote:
Ms. Coomes – Aye
Ms. Pomfert – Nay
Mr. Ortega - Aye
Mr. Beye – Aye

Chairman Beye called for a break at 12:25 pm
The Board Meeting reconvened at 12:35 pm

3. Koreana Moulin Case #08-116
Roll call was conducted to establish a quorum
Accused of sexual misconduct while giving a massage

Ms. Moulin's Representative Mr. Lebowitz addressed the Board asking for dismissal
Ms. Campbell addressed the Board

Chairman Beye called for a break at 1:17 pm
The Board Meeting reconvened at 1:30 pm

Ms. Phillips left the Board meeting at 2:00 pm

Chairman Beye denied request for dismissal

Ms. Pomfret moved to go to Executive Session for legal advice.
Mr. Ortega seconded the motion.

Vote: Ayes – 4
Nays – 0

Executive Session began at 1:38 pm
Open Session reconvened at 1:48 pm

Detective Humiston was questioned by Ms. Campbell and Mr. Lebowitz

Ms. Coomes moved to accept the statement made by Detective Humiston
Mr. Ortega seconded the motion

Chairman Beye called for a break at 2:27 pm
The Board meeting reconvened at 2:31 pm

Detective Humiston was questioned by Ms. Campbell and Mr. Lebowitz
Ms. Moulin was questioned by Mr. Lebowitz and the Board
Ms. Campbell made closing argument
Mr. Lebowitz made closing argument

Ms. Pomfret made a motion to adopt the Finding of Facts as presented
Ms. Coomes seconded the motion

Vote: Ayes – 3
Nays – 1

Ms. Pomfret made a motion to adopt the Conclusions of Law as presented
Ms. Coomes seconded the motion

Vote: Ayes – 3
Nays – 1

Ms. Pomfret made a motion to impose the following disciplinary:

Suspension of license effective the date of the order and pending completion of ethics
and marketing classes specific to massage therapy totaling 30 hours.
Classes to be preapproved by Dr. Runbeck.

1 year probation of license to commence upon completion of suspension.

Ms. Coomes seconded the motion

Roll Call Vote:

Ms. Coomes – Aye
Ms. Pomfert – Aye
Mr. Ortega - Aye
Mr. Beye – Aye

B. Board Review - Investigations

1. Milton Adakai Case # 08-117

Ms. Pomfret moved to accept consent agreement for surrender of license
Ms. Coomes seconded the motion

Vote: Ayes – 4
Nays – 0

Ms. Pomfret left the board meeting at 4:30 pm

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Massage License Status Report

Dr. Runbeck updated the board on the license status to date.

Active: 9167
Denied: 19
Pending: 211
Voluntarily Surrendered: 7
Revoked: 8

Closed – App withdrawn and failed to qualify: 175
Closed – Expired (non-renewal): 3799

B. Report on alleged violations by unlicensed persons

1. Suzanne Wood
2. Tonya Goward

C. Discussion and Consideration of Administrative Matters and Legislative Updates

1. Five Year Review

Dr. Runbeck stated that the 5 year review was completed on time and that some of the rules will need to be amended in the future.

2. Budget Updates

Dr. Runbeck advised the Board of the continuing budget crisis and that the Board would probably face additional reductions in our FY10 appropriations.

3. Report from Chairman Beye on FSMTB

Moved to the next Board meeting of November 23

The next scheduled meeting is November 23, 2009.

The meeting was adjourned at 4:35 pm

ADJOURNMENT