



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, October 26, 2020
Held virtually online

Board Members

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

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 9:30 a.m.

II. ROLL CALL

The following Board members were present: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

ALSO PRESENT

Present among Board staff include: Executive Director Tom Augherton, Senior Investigator Andrew White, Licensing Administrator Tony Wilcox, Licensing Administrator Kathy Rich, Minutes Administrator Andrea Cisneros, and Assistant Attorney General (AAG) Seamus Monaghan.

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. Massage Board Open Minutes from the September 26, 2020 monthly meeting.

MOTION: Mr. Ortega moved for the Board to approve the Open Minutes from the September 26, 2020 monthly meeting.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VI. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON STATE'S MOTION FOR CONTINUATION REGARDING THE FORMAL HEARING IN CASE NO. 20-140 RE: LMT SAMUEL CARTES

MOTION: Mr. Ramsey moved for the Board to continue this matter to its December 14, 2020 meeting.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

- A. Report by Board Member Kevin Ramsey on the FSMTB virtual annual meeting amended activities.
- B. Report for AAG Seamus Monaghan on consideration of state license revocations for new criminally-convicted licensed therapists.
- C. Investigation Review File(s)

(1) 21-107 Ba, Feng

MOTION: Vice-Chairwoman Clark moved for the Board to offer the licensee a Consent Agreement for voluntary surrender of licensure. If not signed within 30 days, the matter shall proceed to formal hearing for license revocation.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(2) 21-108 Li, Huai Mei

MOTION: Vice-Chairwoman Clark moved for the Board to offer the licensee a Consent Agreement for voluntary surrender of licensure. If not signed within 20 days, the matter shall proceed to formal hearing for license revocation.

SECOND: Mr. Ramsey

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(3) 21-109 Martinez, Luis

Complainant AS participated in the virtual meeting during the Board's consideration of this matter.

MOTION: Mr. McClain moved for the Board to proceed to formal interview in this matter based on the potential violations of law and factual allegations as stated in the investigative report and the client's testimony, and to add A.R.S. § 32-4253(A)(15) to the potential violations.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(4) 21-110 Lopez, Steven

Mr. Lopez and Attorney Robert Dilk participated in the virtual meeting during the Board's consideration of this matter. Complainant RR and her father also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to proceed to formal interview in this matter based on the potential violations of law and factual allegations as stated in the investigative report.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(5) 21-111 Lopez, Steven

Mr. Lopez and Attorney Robert Dilk participated in the virtual meeting during the Board's consideration of this matter. Complainant AC also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to consolidate this matter with case number 21-110 and proceed to formal interview based on potential violations of law and factual allegations as stated in the investigative report.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, and Mr. Ramsey. The following Board member voted against the motion: Mr. Ortega.

VOTE: 4-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(6) 21-112 Cavender, Michael

MOTION: Chairwoman Bowmann moved for the Board to offer Mr. Cavender a Consent Agreement for voluntary surrender of licensure. If not signed within 30 days, the matter shall be referred to formal hearing for license revocation.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.



(7) 21-113 Garcia, Fabian

Mr. Garcia and Complainant DS participated in the virtual meeting during the Board's consideration of this matter.

MOTION: Chairwoman Bowmann moved for the Board to proceed to formal interview in this matter based on the potential violations of law and factual allegations as stated in the investigative report.

SECOND: Vice-Chairwoman Clark

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

VOTE: 4-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VIII. EXECUTIVE DIRECTOR REPORT

IX. SUMMARY OF CURRENT EVENTS

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

The Board directed staff to agendize the following discussion items for a future meeting:

- Update from the Executive Director regarding the status of the Board's budget request.
- Email communications.
- Briefing from DHS if Proposition 207 successfully passes.
- Waivers relating to CE and licensing fees, and possible transition period for reinstatement of these requirements.

XI. NEXT ARIZONA MASSAGE BOARD MEETING DATE

A. Monday, November 23, 2020 at 9:30 a.m.

Meeting to be digital, online.

XII. MOTION TO ADJOURN

MOTION: Mr. Ramsey moved for adjournment.

SECOND: Vice-Chairwoman Clark

VOTE: The following Board members voted in favor of the motion: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board's meeting adjourned at 11:45 a.m.

A handwritten signature in black ink, appearing to read "Tom Augherton".

Tom Augherton, Executive Director