



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, November 23, 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 9:33 a.m.

### II. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Bowmann, Vice-Chairwoman Clark, Mr. McLain, Mr. Ortega, and Mr. Ramsey.

### ALSO PRESENT

The following Board staff participated in the virtual meeting: 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 October 26, 2020 monthly meeting.

**MOTION: Vice-Chairwoman Clark moved for the Board to approve the Open Minutes from the October 26, 2020 monthly meeting.**

**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.**

## VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

### A. Investigation Review File(s)

(1) 20-119 Han, Tiffany

Ms. Han and Attorney Russell Richelsoph participated in the virtual meeting during the Board's consideration of this matter. Interpreter Winston Chou also participated in this matter.

**MOTION: Chairwoman Bowmann moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**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.**

The Board entered into Executive Session at 9:50 a.m.

The Board returned to Open Session at 10:10 a.m.

No legal action was taken by the Board during Executive Session.

**MOTION: Mr. Ramsey moved for the Board to proceed to Formal Interview in this matter based on the potential violations of A.R.S. § 32-4253(A)(15), (16), (19) and (23), (B), and (D), and to authorize Board staff and the AAG to enter into negotiation discussions for a possible Consent Agreement.**

**SECOND: Chairwoman Bowmann**

**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) 20-132 Wang, Hui

**MOTION: Mr. McLain moved for the Board to proceed to Formal Interview in this matter based on the potential violations of A.R.S. § 32-4253(A)(15), (19) and (23), and to authorize Board staff and the AAG to enter into negotiation discussions for a possible Consent Agreement.**

**SECOND: Chairwoman Bowmann**

**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) 21-120 Yang, Hua

Ms. Yang participated in the virtual meeting during the Board's consideration of this matter. Interpreter Winston Chou also participated in this matter.

**MOTION:** Vice-Chairwoman Clark moved for the Board to continue this matter to its December 2020 meeting to agendaize for consideration of appeal of license denial.

**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.**

(4) 21-117 Wali, Hbaidullah

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

**MOTION:** Mr. Ramsey moved for the Board to proceed to Formal Interview in this matter based on the potential violations of A.R.S. § 32-4253(A)(8), (10), (14), (16) and (23).

**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) 20-125 Rogerson, Jack

**MOTION:** Chairwoman Bowmann moved for the Board to offer the licensee a Consent Agreement for voluntary surrender of licensure based on violations of A.R.S. § 32-4253(8), (10), (14), (16) and (23), (B)(2), and (D). If not signed within 30 days or no response, the matter shall proceed to Formal Hearing for license revocation based on the factual allegations contained in the Board's file.

**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. The following Board member voted against the motion: Mr. Ortega.

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

**MOTION PASSED.**

(6) 20-143 Rogerson, Jack

**MOTION:** Chairwoman Bowmann moved for the Board to consolidate this matter with Case No. 20-125 and offer the licensee a Consent Agreement for voluntary surrender of licensure. If not signed within 30 days, the matters shall proceed to Formal Hearing for license revocation based on violations of A.R.S. § 32-4253(8), (10), (14), (16) and (23), (B)(2). And (D).

**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) 21-118 Trejo, Fernando

**MOTION:** Vice-Chairwoman Clark moved for the Board to instruct staff to follow up with the Respondent regarding the Consent Agreement for surrender of licensure previously offered by staff. If not signed within 15 days, the matter shall proceed to Formal Interview based on the potential violations of law and factual allegations as stated in the investigative report.

**SECOND:** Mr. Ramsey

**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.**

## **VII. EXECUTIVE DIRECTOR REPORT**

- A. Arizona Licensure Survey, posted on Board website
- B. Update on Massage Board Budget

## **VIII. SUMMARY OF CURRENT EVENTS**

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

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

- The passing of Proposition 207
- Correspondence from the Governor's Regulatory Review Council ("GRRC")

### **X. NEXT ARIZONA MASSAGE BOARD MEETING DATE**

- A. Monday, December 14, 2020 at 9:30 a.m.  
Meeting to be digital, online.

### **XI. MOTION TO ADJOURN**

**MOTION:** Vice-Chairwoman Clark moved for adjournment.

**SECOND:** Chairwoman Bowmann

**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 12:09 p.m.



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Tom Augheron, Executive Director