



Douglas A. Ducey  
Governor

# Arizona State Board of Massage Therapy

*"Protecting the Public,  
Serving the Industry"*

Tom Augherton  
Executive Director  
1740 W. Adams, Suite 3401  
Phoenix, Arizona 85007  
E: info@massageboard.az.gov  
W: www.massageboard.az.gov

---

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

**On Monday, February 22, 2021  
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 9:04 a.m.

### **II. BOARD 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. AAG Michael Raine participated to provide the Board independent legal advice in the hearing matter(s) as referenced herein.

### **III. 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.

Chairwoman Bowmann acknowledged and thanked Board staff for their hard work and efforts.

### **IV. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

A. Massage Board Open Minutes from the December 14, 2020 monthly meeting.

**MOTION: Vice-Chair moved for the Board to approve the Open Minutes from the December 14, 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.**

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

### A. Board Elections

#### 1. Nomination and Election of Board Officers; Chair, Vice-Chair

**MOTION:** Vice-Chairwoman Clark moved to nominate Chairwoman Bowmann to retain the position of Board Chair.

**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.**

**MOTION:** Chairwoman Bowmann moved to nominate Vice-Chairwoman Clark to retain the position of Board Vice-Chair.

**SECOND:** Mr. McClain

**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.**

### B. Formal Hearing

#### (1) 20-140 Cartes, Samuel

Mr. Cartes and Attorney Bernie Pistillo participated in the virtual meeting during the Board's consideration of this matter. AAG Monaghan participated on behalf of the State and AAG Raine participated to provide the Board with independent legal advice.

**MOTION:** Mr. McClain moved for the Board to vacate the Formal Hearing and accept the proposed Consent Agreement for Six Months' Suspension, requirement to complete 20 CE hours in the areas of ethics and communication in addition to the hours required for license renewal, and pay a \$250 Civil Penalty.

**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.**

#### (2) 21-118 Trejo, Fernando

Mr. Trejo did not participate in the virtual meeting during the Board's consideration of this matter. AAG Monaghan participated on behalf of the State and AAG Raine participated to provide the Board with independent legal advice.

**MOTION:** Mr. Ramsey moved for the Board to grant the State's Motion to Deem the allegations contained in the Complaint and Notice of Hearing as admitted and to adopt the factual allegations and alleged violations contained in the Complaint and Notice of Hearing as the Findings of Fact and Conclusions of Law in this matter.

**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.**

**MOTION: Vice-Chairwoman Clark moved for the Board to issue an Order for License Revocation and to vacate the Formal Hearing in this matter.**

**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.**

C. Formal Interview

- (1) 21-110 Steven Lopez
- (2) 21-111 Steven Lopez

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

**MOTION: Vice-Chairwoman Clark moved for the Board to issue an Order for One Year Probation. The license shall be suspended for three months. Within six months of the effective date of the Board's Order, the licensee shall obtain a total of 16 hours of Board staff pre-approved CE; specifically, no less than 6 hours in ethics, 4 in communication and 4 in business practices. The CE hours shall be in addition to the hours required for license renewal.**

**SECOND: Chairwoman Bowmann**

**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.**

D. Investigative Review

21-124 Escobedo, Michael

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

**MOTION: Chairwoman Bowmann moved for the Board to offer a non-disciplinary Consent Agreement for Letter of Concern and CE for concerns relating to maintaining a professional standard during the massage. Within six months, the licensee shall complete no less than 8 hours of Board staff pre-approved CE in the areas of communication and ethics. The CE hours shall be in addition to the hours required for license renewal. If not signed, the matter shall proceed to Formal Interview based on the potential violations of law and factual allegations contained in the investigative report.**

**SECOND: Vice-Chairman 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.**

E. License Request

21-122 Fitzgerald, Hui

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

**MOTION: Mr. Ramsey moved for the Board to allow Ms. Fitzgerald to reapply for an Arizona license and designate staff to issue the license once the application is complete and all necessary documentation has been received.**

**SECOND: Mr. Ortega**

**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.**

21-125 Sanders, Nicholas

**MOTION: Mr. Ramsey moved for the Board to allow Mr. Sanders to apply for an Arizona license and designate staff to issue the license once the application is complete and all necessary documentation has been received.**

**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.**

F. Board Letter to Governor's Regulatory Review Council ("GRRC")

**MOTION: Vice-Chairwoman Clark moved for the Board to modify and approve the draft letter by striking item #2 relating to CEs, and allow Board staff to make the necessary changes to keep in line with the Governor's 2021 Executive Order.**

**SECOND: Mr. Ortega**

**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.**

G. Arizona Massage Board COVID-19 Waiver of CE Hours

H. Tucson City Council & Police Department Overhaul of Massage Ordinance

Lieutenant Frank Hand participated in the virtual meeting during the Board's consideration of this item.

**MOTION: Vice-Chairwoman Clark moved for the Board to modify and approve the letter to address it to the Tucson City Mayor and the appropriate council members.**

**SECOND: Mr. Ramsey**

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

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

**MOTION PASSED.**

I. Voter-Approved Proposition 207 – Update from ADHS

Colby Bower, Assistant Director, ADHS, participated in the virtual meeting during the Board's consideration of this item.

**VI. EXECUTIVE DIRECTOR'S REPORT**

A. Arizona Auditor General Sunset Review Audit

B. Legislative session update, Greg Harris, Esq., Lewis and Roca, AMTA

Mr. Harris participated in the virtual meeting during the Board's consideration of this item.

**VII. SUMMARY OF CURRENT EVENTS**

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

**IX. NEXT ARIZONA MASSAGE BOARD MEETING DATE**

A. Monday, March 29, 2021 at 9:00 a.m.

Meeting to be digital, online.

**X. CALL TO THE PUBLIC**

LMT Stephanie Rodriguez addressed the Board during the Call to the Public regarding several items listed on the Board's Agenda.

**XI. MOTION TO ADJOURN**

**MOTION:** Mr. Ramsey moved for adjournment.

**SECOND:** Vice-Chair 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 1:47 p.m.



---

Tom Augherton, Executive Director