



State of Arizona
Janice Brewer – Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

1400 West Washington • Suite 300 • Phoenix, AZ 85007 • Telephone 602-542-8604 • FAX 602-542-8804
Dennis Beye, LMT; Victoria Bowmann, LMT; John Ortega, Public Member
Diane Pruetz, Public Member; Earl Duskey, LMT; Kathleen Phillips, Executive Director

MINUTES/draft BOARD MEETING

November 25, 2013 9:00 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 9:15 am.

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

Board Members present: Dennis Beye, Chair, LMT
Victoria Bowmann, LMT, Vice Chair
Diane Pruetz, Public Member
John Ortega, Public Member – arrived 9:30 am

Absent Earle Duskey, LMT

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

Assistant Attorney General: Elizabeth Campbell

Board Staff present: Kathleen Phillips, Executive Director
Stan Conger, Investigations
Ellen Boyd, Licensing Administrator

2. Call to the Public.

None

Ms. Phillips explained updates to the Board Books.

3. Discussion, Consideration and Possible Action on Consent Agenda

(Any item under consent may be removed for independent discussion and action by a Board Member.)

A. Approval of Minutes: September 23, 2013 board meeting.

B. Approval of 203 Massage Therapy Application(s)

Acosta, Stephanie
Aguilar, Michelle
Akers, Mandy
Alphonse, Shannon
Anderson, Christine
Aponte-Gonzalez, Aracelis
Armstrong, Sheryl
Banuelos, Melissa
Barron, Reginald
Begay, Heidi

Behgstron, Loren
Bjorkman, Megan
Blanco, Jennifer
Blasi, Paul
Blazek, Sol
Bourne, Megan
Boyer, Jill
Bristol, Jennifer
Brown, Tracy
Bruce, Wendy

Burgan, Amber
Call Samantha
Campeau, Jody
Cass, Sally
Celaya, Luis
Chambers, Christine
Chen, Bo
Cisneros, Yazmin
Clear, Jim
Cobos, Marco

Coburn, Stephen
Coletta, Lori
Connelly, Elizabeth
Conroy, James
Contreras, Anakaren
Corona, Guadalupe
Corso, Judy
Cosby, Tamara
Cruz, Griselda
Dean, Julia
DeArman, Patricia
DeVane, Dana
DeWitt, Courtney
Dippre, Deborah
Dominguez Estrada, Angel
Dunham, Randy
Edwards, Tina
Eggers, Daniel
Enriquez, Eddie
Evans, Amanda
Farnum, Michael
Fischer, Rochel
Floyd, Tiffany
Footracer, Natalia
Freeman, Melanie
Gallegos, Kristyn
Gee, Georgiana
Gibson, Heather
Gill, Mark
Gillespie, Sienna
Godwin Deborah
Gray, Karina
Grossich, Kyle
Hackley, Krista
Haley, Kayla
Hall, Alexandra
Hall, Samuel
Hamel, Collette
Hammett, Ann
Handville, Chadwick
Hanley, Petra
Hardin, Melissa
Hay, Thomas
Hernandez Gutierrez, Juan
Heydorn, Alberta
Hickok, Carol
Holloway, Emily
Holzhausen, Mary
Hopkinson, Donna
Jacobs, Tristan
Jenkinson, Scott
Johns, Sharon
Johnson, Andrea
Johnson, Ashley

Johnson, Lydia
Johnson, Matthew
Johnson, Melanie
Jones, Christianna
Kelly, Jesse
Knox, Jessica
Koenig, Erin
Lado, Maria
Lamere, Kevin
Lee, Rhandi
Lewinson, Nathaniel
Lewis, Andrew
Liu, Yuan Hui
Loar, Janda
Lockhart, Ekaterina
Logan, Amanda
Logan, Vickie
Lougee, Kyle
Lovato, Joann
Lowe, Ashley
Lowndes, Lacey
Lucas, Zachary
Lumm, Kylie
Lynch-Ramirez, Ana
Lyons, Matthew
Mahler, Heidi
Malinowski, Rachel
Manestar, Nancy
Marocco, Kristina
Marotz, Timothy
Marshall, Jennifer
Martinez, Alejandra
Martinez, Connie
Martinez, Marisol
Martinez, Meganne
Martinez, Pilar
Mathieu, Carla
Matson, Daniel
McElhaney, Brittney
McKinley, Angela
McMaster, Megan
Mellema, Carol
Mendoza, Amailly
Mendoza, Carlos
Messenger, Melissa
Mietzner, Ross
Mike, Brian
Miller-Kravetz, Sonya
Mitchareune, Amy
Mitchell, Jacob
Monday, Rita
Montijo, Alicia
Moore, Breanna
Moore, Travis

Mosby, Katia
Mueller, Michael
Mucie, Jessica
Myers, Damon
Natal, Lynsay
Nelson, Courtney
Newman, Joanna
Notarfrancesco, Sarina
Nunez, Jeanice
Petasek, Leslie
Pierce, Amber
Pospisil, Christopher
Potts, Brittani
Powers, David
Ramay, Verla
Ricci, Tonia
Richardson, Rochelle
Riley, Larkin
Rivera, Martha
Robbins, Briana
Robinson, Michelle
Robinson, Vaughn
Robu, Theodore
Rojas, Itzel
Ruffin, Sherman
Ruiz, Phillip
Ryan, Megan
Sagers, Yan
Salmon, Lori-Ann
Sanchez, Elizabeth
Sanchez, Gloria
Schillo, David
Scott, Shiva
Seagram, Gina
Sivula, Amanda
Sly, Mallory
Smith, Chelsea
Smith, Sariah
Sorrells, Autumn
Sosky, Katrina
Stapley, Kourtney
Summers, Danielle
Swan, Camille
Trinidad-Cruz, Valeria
Tyner, David
Udall, Taylor
Valenzuela-Sherman, Emilia
Vanaria, Debra
Vandenberg, Shamrin
Varelas, Maria
Vega, Ricardo
Vesecky, Jillian
Vidales, Jennifer
Vinson, Clayton

Waddell, Phillip
 Watchorn, Leah
 Williams, Detra
 Wilson, Julie

Wolgan, Jayne
 Wood Kara
 Wu, Yue
 Xelowski, Christina

Yazzie Mariah
 Yost, Cayli
 Zolot, Rachel

C. Approval of Massage Therapy Schools

AK	Alaska Inst of Oriental Medicine, Acupunture & MT	4/30/13-4/30/16	2636 Spenard Rd 3175 College Rd #3 / PO Box 80782	Anchorage
AK	Kindred Spirits School of Massage			Fairbanks
AK	California Inst of Massage & Spa Services			
AR	AR Therapeutic Massage Inst/Exceptional	6/30/13 - 6/30/14	853 Third St	Hot Springs
CA	Anthem College	2009-12/31/2015	9738 Lincoln Village Dr #100	Sacramento
CA	Corinthian Colleges Incorporated-Umbrella for Everest, Bryman, Ashmead, Seattle Massage		6 Hutton Centre Dr #400	Santa Ana
CA	Thousand Oaks Healing Art's Inst	til 6/30/2007	2955 Moorpark Rd	Thousand Oaks
CO	Lotus Education Institiute	7/23/13-6/30/15	112 Hillside Dr	Basalt
FL	Easy Hair Beauty and Barber School	4/1/13-3/31/14	5040 W Colonial Dr	Orlando
IN	Everest College	5/1/12-5/1/17	8585 Broadway #200	Merrillville
ME	Seacoast Career Schools	12/15/99-12/15/14	One Eagle Dr #1	Sanford
NC	American & European Massage Clinic			Releigh
NC	Asheville School of Massage and Yoga	2/17/05 - 6/30/15	707 Haywood Rd #001	Asheville
NC	Body Therapy Inst			Siler City
NC	College of Wilmington			Wilmington
NC	Center for Massage & Natural Health			Asheville
NC	The Healing Arts and Massage School			Raleigh
NC	Kneaded Energy School of Massage			Greensboro
NC	Living Arts Inst			Winston Salem
NC	Maiden School of Massage and Bodywork Therapy			Maiden
NC	Medical Arts School			Raleigh
NC	Miller-Motte Tech College			Cary
NC	Miller-Motte Tech College			Fayetteville
NC	Miller-Motte Tech College			Greenville
NC	Miller-Motte Tech College			Wilmington
NC	Mount Eagle Inst			Winston Salem
NC	North Carolina Massage School			Cornelius
NC	North Carolina School of Advanced Bodywork			Fairview
NC	Southeastern Inst			Charlotte
NC	Therapeutic Massage Training Inst			Charlotte
NH	Seacoast Career Schools	12/15/99-12/15/14	670 N Commercial St	Manchester
NJ	New Wave Myotherapy Academy	1/1/13-12/31/13	29 Fairview St #2B, 2C	Palisades Park
NM	Crystal Mntn School of Therapeutic Massage	8/31/1992- 10/31/13	5041 Indian School Rd NE #400	Albuquerque
NM	Crystal Mntn School of Therapeutic Massage	8/31/1992- 10/31/13	2850 Cerrillos Rd	Santa Fe
VA	Virginia Western Community College	1969-2014	3093 Colonial Ave/PO Box 14007	Roanoke

MOTION: Ms. Bowmann moved to approve (A), (B), and (C) as presented
Ms. Pruetz seconded the motion.

VOTE: Ayes – 3
Absent - 2

4. Discussion, Consideration and Possible Action on Regulatory Matters

A. Discussion, Consideration and Possible Action on Cases Voted to Formal Hearings Motions to Deem

1. **Richard Davis** Case #13-112

Mr. Davis was not present.

Ms. Campbell addressed the Board and requested the Board to grant the motion to deem.

MOTION: Ms. Pruetz moved to grant the State's motion and deem the allegations in the Complaint and Notice of hearing as admitted.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 3
Absent – 2

MOTION: Ms. Pruetz moved to adopt the Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 3
Absent – 2

Ms. Campbell address the Board.

MOTION: Ms. Pruetz moved to revoke Mr. Davis's massage license.
Ms. Bowmann seconded the motion.

ROLL CALL VOTE:

Ms. Pruetz – Aye
Ms. Bowmann – Aye
Chair Beye – Aye

Mr. Duskey – Absent
Mr. Ortega - Absent

2. **Steven Hall** Case #13-145

Mr. Hall was present without legal representation.

DW, the complainant, was present.

Ms. Campbell addressed the Board.

Mr. Hall addressed the Board.

Ms. Campbell addressed the Board and requested the Board to grant the motion to deem.

MOTION: Ms. Pruetz moved to deny the State's motion and proceed with a formal hearing in this matter.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

Roll call of Board members present:

Ms. Bowman – here
Ms. Pruetz – here
Chair Beye – here
Mr. Ortega – here

Mr. Duskey – absent

Ms. Campbell addressed the Board.
Mr. Hall addressed the Board.
DW was sworn in.
Ms. Campbell questioned DW.
DW testified.
The Board accepted exhibits 2 and 4 submitted by Ms. Campbell.
Mr. Hall addressed the Board.
The Board questioned DW.

Break 10:02 am – 10:10 am

Mr. Hall was retro actively sworn in to include previous statements.
Mr. Hall addressed the Board.
Ms. Campbell questioned Mr. Hall.
The Board questioned Mr. Hall
Ms. Campbell presented her closing argument.
Mr. Hall made no closing argument.

MOTION: Ms. Bowmann moved to accept the factual allegations in the Complaint and to adopt the allegations as findings of fact.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent – 1

MOTION: Ms. Bowmann moved that the findings of fact constitute a violation of the statutes (and/or rules) set forth in the Complaint and to adopt the alleged violations of law as the Board's Conclusions of Law.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent – 1

MOTION: Ms. Bowmann moved to suspend Mr. Hall's massage license for 90 days. Probation for 1 year is to begin at the end of the suspension. He must complete a total of 20 hours of draping, ethics, and professional conduct to be completed by the end of the suspension. None of the 20 hours may include any online or correspondence classes. He must reappear before the Board at the time of his renewal and at the end of his probation.
Ms. Pruetz seconded the motion.

ROLL CALL VOTE:

Ms. Pruetz – Aye
Mr. Ortega – Aye
Chair Beye – Aye
Ms. Bowmann – Aye

Mr. Duskey – Absent

3. **Jason Dykstra** Case #13-136
Mr. Dykstra was not present.
Ms. Campbell addressed the Board.

MOTION: Ms. Pruetz moved to grant the State's motion and deem the allegations in the Complaint and Notice of hearing as admitted.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

MOTION: Ms. Pruetz moved to adopt the Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

Ms. Campbell addressed the Board.

MOTION: Ms. Bowmann moved to revoke Mr. Dykstra’s massage license and pose a civil penalty of \$1000 and restitution of \$60 to the complainant.
Ms. Pruetz seconded the motion.

ROLL CALL VOTE:

Ms. Pruetz – Aye
Ms. Bowmann – Aye
Chair Beye – Aye
Mr. Ortega – Nay
Mr. Duskey – Absent

Break 11:05 am – 11:15 am

4. Ying Luo Case #13-131

Ms. Luo was present with no legal representation.
Ms. Campbell addressed the Board.
Ms. Luo addressed the Board.
Mr. Conger addressed the Board.

MOTION: Ms. Pruetz moved to deny the State’s motion and proceed with a formal hearing in this matter.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

Ms. Campbell requested the formal hearing be moved to the next board meeting.
The Board denied the request to postpone the meeting.

Roll call of Board members present:

Ms. Bowman – here
Ms. Pruetz – here
Chair Beye – here
Mr. Ortega – here
Mr. Duskey – absent

MOTION: Chair Beye moved to go to Executive Session to obtain legal advice.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

Executive session began at 11:40 am.
Regular session reconvened at 11:52 am.

The Board questioned Ms. Luo.

Executive session reconvened due to Attorney General’s return phone call.
Regular session reconvened at 12:28 pm.

Break 12:28 pm – 12:35 pm.

MOTION: Ms. Pruetz moved to continue this hearing at the next board meeting on February 3, 2014. Ms. Luo was instructed **to** appear with an interpreter.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

B. Discussion, Consideration and Possible Action on Formal Interview

1. **Bruce Pelletier** Case #13-142

Mr. Pelletier was present without legal representative.

Mr. Pelletier was sworn in.

SB, complainant, was not present.

Mr. Conger summarized the case.

MOTION: Ms. Bowmann moved to dismiss the case.
Ms. Pruetz seconded the motion.

VOTE: Aye – 4
Absent - 1

C. Discussion, Consideration and Possible Action on Investigative Reviews

1. **Vanessa Kellogg** Case #13-133

Ms. Kellogg was present without legal representation.

Mr. Conger summarized the case.

MOTION: Mr. Ortega moved to dismiss the case.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent - 1

2. **Ricardo Torres** Case #14-103

Mr. Torres was not present.

Mr. Conger summarized the case.

Ms. Campbell address the Board.

MOTION: Ms. Bowmann moved to forward the case to a formal hearing.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent – 1

3. **Neil Wouters** Case # 14-102

Mr. Wouters was present without legal representation.

BC and EB, complainants were present.

Mr. Conger summarized the case.

Mr. Wouters addressed the Board.

Break 12:30 pm – 12:35 pm

BC addressed the Board.

EB addressed the Board.

MOTION: Ms. Bowmann moved to forward the case to a formal hearing.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent – 1

4. **Jie Duenas** Case #13-143
Ms. Duenas was not present.
Ms. Campbell addressed the Board

MOTION: Ms. Pruetz moved to forward the case to a formal hearing.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Absent – 1

- D. Discussion and possible action regarding compliance with and release from Board order and request an extension of Board order

1. **Stephen Burton** Case #12-121
Mr. Burton was present.
Ms. Phillips addressed the Board and summarized the case.

MOTION: Ms. Bowmann moved to release Mr. Burton from the Board order.
Pruetz seconded the motion.

VOTE: Ayes – 4
Absent – 1

2. **Gustave Gibson** Case #12-122
Mr. Gibson was not present.
Ms. Phillips summarized the case.

No action was taken.

- E. Discussion, Consideration and Possible Action on Application Review
None

- F. Discussion, Consideration and Possible Action on Cease and Desist
Mr. Conger reported:

1. **Ricardo Vega**
Licensed on 10/2/2013
2. **Emily Holloway**
Licensed on 10/15/2013
3. **Maryann Tidwell**
Renewed on 10/31/2013
4. **Gigi Brenay**
Renewed on 11/14/2013
5. **Constance E. Barzda**
There was no response regarding the Cease and Desist letter sent to her.

5. Administrative Matters

- A. Massage license status report
Active: 9,992
Denied: 31
Pending: 205
Voluntarily Surrendered: 14
Revoked: 31
Closed - app withdrawn and failed to complete: 414

Ms. Phillips reported on the license status.

B. Discussion and Consideration and Possible Action of Administrative Matters and Legislative Updates

1. Board updates – Kathleen Phillips

a. Appointment of Board members

Mr. Ortega and Mr. Duskey have been reappointed to the Board.

b. Discussion of draft docket opening and rules

Ms. Phillips discussed proposed rules and the process of rulemaking.

2. Federation update – Dennis Beye

Ms. Bowmann reported that Chair Beye was elected as President of the Federation of State Massage Therapy Boards.

C. Discussion and approval of 2014 Board meeting dates

February 3

March 24

May 27 (Tuesday)

July 28

September 22

November 17

MOTION: Ms. Bowmann moved to accept the Board Meeting dates for 2014.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Absent - 1

D. Discussion of computer alternatives for Board Packets

Board Packet information will be sent via Fed Ex to the Board Members.

ADJOURNMENT: The meeting was adjourned at 1:50 pm.
The next scheduled meeting is February 3, 2014.