



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, April 26, 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 9:09 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. 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.

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

A. Discussion and approval of the Massage Board Open Minutes from the March 29, 2021 monthly meeting.

**MOTION: Vice-Chairwoman Clark moved for the Board to approve the Open Minutes from the March 29, 2021 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. Formal Hearing

Vacant.

B. Formal Interview

Vacant.

C. Investigative Review

(1) 20-100 Jing Lan Liu

**MOTION:** Chairwoman Bowmann moved for the Board to refer this matter to Formal Hearing for license revocation pursuant to A.R.S. § 32-4254(G) based on the potential violations of law and the factual allegations as set forth in the investigation file. The respondent may enter into a Consent Agreement for voluntary surrender of licensure in lieu of Formal Hearing for license revocation.

**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.**

(2) 21-112 Anthony Michael Cavender

**MOTION:** Mr. McClain moved for the Board to refer this matter to Formal Hearing for license revocation pursuant to A.R.S. § 32-4254(G) based on the potential violations of law and the factual allegations as set forth in the investigation file with the addition of A.R.S. § 32-4253(4). The respondent may enter into a Consent Agreement for voluntary surrender of licensure in lieu of 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.**

(3) 21-130 Heward, Mark

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

**MOTION:** Vice-Chairwoman Clark moved for the Board to proceed to Formal Interview in this matter based on the potential violations of law and the factual allegations as set forth in the investigative report.

**SECOND:** Mr. Ramsey

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

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

**MOTION PASSED.**

(4) 21-132 Martin Espuma

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

**MOTION:** Chairwoman Bowmann moved for the Board to refer this matter to Formal Hearing for license revocation pursuant to A.R.S. § 32-4254(G) based on the potential violations of law and the factual allegations as set forth in the investigation file with the addition of A.R.S. § 32-4253(A)(15) as it relates to (B)(3). The respondent may enter into a Consent Agreement for voluntary surrender of licensure in lieu of 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.**

(5) 21-133 Derek Beardsley

Mr. Beardsley participated in the virtual meeting during the Board's consideration of this matter.

**MOTION:** Vice-Chairwoman Clark moved for the Board to proceed to Formal Interview in this matter based on the potential violations of law and the factual allegations as set forth in the investigative report with the addition of A.R.S. § 32-4253(A)(15) as it relates to (B)(2)(c) and (e).

**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.**

(6) 21-140 Zane Kane

Mr. Kane participated in the virtual meeting during the Board's consideration of this matter.

**MOTION:** Chairwoman Bowmann moved for the Board to continue the investigative review to its next meeting and request that the complainant appear before the Board at that time.

**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.**

D. License Request

Vacant.



## **VI. EXECUTIVE DIRECTOR'S REPORT**

- A. Executive Order 2021-2; Massage Board compliance reports
- B. Request of Board for designation of the Arizona Delegate to the 2021 Federation of State Massage Boards ("FSMTB") Annual Meeting in Charlotte, NC on October 7-9, 2021.
- C. Proposed Board Rule for Governor's Office second review and transmission to appropriate state agencies.
  1. Changing score requirements for English certification exams.
  2. Addition of MBLEX for all in and out of state applicants.

## **VII. SUMMARY OF CURRENT EVENTS**

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

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

- LMT Owners/Managers and Duty to Report
- Scheduling of Call to the Public

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

- A. Monday, May 24, 2021 at 9:00 a.m. (*meeting to be held via video conferencing*)

### **X. CALL TO THE PUBLIC**

Lorena Haynes, Director of Government Relations, FSMTB, addressed the Board during the Call to the Public regarding Agenda Item No. VI.C.2.

### **XI. ADJOURNMENT**

The Board's meeting adjourned at 11:28 a.m.

A handwritten signature in black ink, appearing to read "Tom A.", positioned above a horizontal line.

Tom Aughterton, Executive Director