



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, June 28, 2021
Held virtually online**

Board Members

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

I. CALL TO ORDER

Chairwoman Bowman called the Board's meeting to order at 9:00 a.m.

II. ROLL CALL

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

ALSO PRESENT

Present among Board staff and Assistant Attorney(s) General participated: 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 Mary D. Williams and AAG Monique Coady participated to provide the Board with independent legal advice on the hearing cases as stated herein.

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. Discussion and approval of the Massage Board Open Minutes from the June 10, 2021 monthly meeting.

MOTION: Mr. McClain moved for the Board to approve the Open Minutes from the June 10, 2021 monthly meeting.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

**VI. BRIEFING BY THE FEDERATION OF STATE MASSAGE THERAPY BOARDS (“FSMTB”):
HYBRID MASSAGE EDUCATION/CERTIFICATION BY BUSINESS FOR DISCUSSION AND
CONSIDERATION**

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Formal Hearing

(1) 20-100 Liu, Jinglan

Ms. Liu did not participate in the virtual during the Board’s consideration of this matter. AAG Monaghan participated on behalf of the State, and AAG Williams and AAG Coady participated to provide the Board with independent legal advice.

MOTION: Vice-Chairwoman Clark moved for the Board to continue this matter and amend the Complaint and Notice of Hearing to include the allegations of falsifying an application for licensure and failure to update the address of record.

SECOND: Mr. Ortega

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

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

MOTION PASSED.

(2) 21-112 Cavender, Anthony

Mr. Cavender 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 Williams and AAG Coady participated to provide the Board with independent legal advice.

MOTION: Chairwoman Bowmann moved for the Board to vacate the Hearing and grant the State’s motion to deem the allegations contained in the Complaint and Notice of Hearing as admitted.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

MOTION: Chairwoman Bowmann moved for the Board to adopt the factual allegations in the Complaint and Notice of Hearing as the Findings of Fact, and to adopt the alleged violations in the Complaint and Notice of Hearing as the Conclusions of Law.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

MOTION: Chairwoman Clark moved for the Board to revoke the license.

SECOND: Mr. Ortega

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

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

MOTION PASSED.

(3) 21-113 Garcia, Fabian

Mr. Garcia and Complainant DS participated in the virtual meeting during the Board's consideration of this matter. AAG Monaghan participated on behalf of the State, and AAG Williams and AAG Coady participated to provide the Board with independent legal advice.

MOTION: Mr. McClain moved for the Board to adopt the factual allegations in the Complaint and Notice of Hearing as the Findings of Fact, and to adopt the alleged violations in the Complaint and Notice of Hearing as the Conclusions of Law.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

MOTION: Mr. McClain moved for the Board to revoke the license.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

B. Formal Interview

(1) 21-130 Heward, Mark

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

MOTION: Mr. McClain moved for the Board to issue a Non-Disciplinary Advisory Letter for concerns relating to the ability to maintain professionalism including during massage trades with other massage therapists.

SECOND: Mr. Ortega

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

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

MOTION PASSED.

(2) 21-133 Beardsley, Derek

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

MOTION: Chairwoman Bowmann moved for dismissal.

SECOND: Mr. Ortega

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

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

C. Investigative Review

(1) 21-141 Stewart, Ty'amber

This item was moved to the Board's July 2021 meeting.

(2) 21-159 Robinson, Tysie

Ms. Robinson and Attorney Shanks Leonhardt participated in the virtual meeting during the Board's consideration of this matter. Complainant JJ and EC also participated in the virtual meeting.

MOTION: Chairwoman Bowmann moved for the Board to continue this matter to a future meeting and obtain additional information including the medical records and licensee's response.

SECOND: Vice-Chairwoman Clark

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

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

MOTION PASSED.

(3) 21-161 Calmese, Juvall

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

MOTION: Mr. Ortega moved for the Board to proceed to Formal Hearing in this matter based on the failure to comply with a Board Order.

SECOND: Vice-Chairwoman Clark

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

VOTE: 3-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

D. License Request

Vacant.

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:

- Additional information from counsel regarding Agenda Item No. VI and further discussion relating to hybrid education.

IX. NEXT ARIZONA MASSAGE BOARD MEETING DATE

- A. Monday, July 26, 2021 at 9:00 a.m. *(meeting to be held via video conferencing)*



X. ADJOURN

The Board's meeting adjourned at 12:54 p.m.

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

Tom Augherton, Executive Director