



Arizona State Board of  
 Massage Therapy  
 “Protecting the Public’s Health”

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Douglas A. Ducey,  
 Governor

## OPEN SESSION MINUTES

### October 1, 2018

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:34 a.m. on Monday, October 1, 2018 at the Board’s office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The Board met in executive session from 1:48 p.m. to 2:02 p.m.

**BOARD MEMBERS:**

- Earl Duskey, LMT ..... Board Chairperson and Therapist Member
- ♦ Victoria Bowmann, LMT..... Board Vice-Chairperson and Therapist Member
- × William “Bill” Beard ..... Public Member
- ♦ Mlee Clark, LMT ..... Therapist Member
- ♦ John Ortega. .... Public Member
  
- × Absent
- ♦ Left at 6:15 p.m.

**STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:**

- Ryan P. Edmonson..... Executive Director
- Michael Raine, Esq. .... Assistant Attorney General
- Mary DeLaat-Williams, Esq. .... Assistant Attorney General, Independent Legal Advisor
- Andrew White..... Board Investigator
- Tony Wilcox ..... License Administrator
- April Romero ..... Administrative Assistant II

**GUEST(S) PRESENT AND/OR PARTICIPATING**

- Garnet Adair, LMT ..... American Massage Therapy Association, Arizona Chapter
- Amy Pinheiro ..... Guest
- Murray Henner, Esq..... Applicant/Respondent’s Attorney – Case 19-106
- Adam Thompson..... Respondent – Case 19-102
- Leah Tinney, Esq ..... Respondent’s Attorney – Case 19-102
- Jie Duenas ..... Respondent – Case 19-103
- Paul Gattone, Esq..... Respondent’s Attorney – Case 19-103
- Jonitta Collins ..... Respondent – Case 19-104
- Richard Gaxiola, Esq ..... Respondents’ Attorney – Cases 19-104 & 18-119
- Michael Salas-Felix ..... Respondent – Case 18-114
- Bernadette Richardson ..... Respondent’s Witness – Case 18-114
- Kelsey Nelson ..... Respondent’s Witness – Case 18-114

**The Americans with Disabilities Act:** Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

Complainant.....	Case 18-114
Michael Bolton.....	Respondent – Case 18-111
Maged Shaker .....	Applicant/Respondent – Case 19-106
Oliver Ames .....	Applicant
Jaime Martinez.....	Respondent – Case 18-119
Complainant.....	Case 18-119
Sergio Castro.....	Respondent – Case 18-129
☎ Complainant.....	Case 18-129
☎ Brandon Espinoza, Esq.....	Complainant’s Attorney – Case 18-129
Nicole Phillips.....	Applicant
Steven B. Perlmutter, M.D., J.D. ....	Attorney for Nicole Phillips
Eunja Choi .....	Applicant
Hyun Kim.....	Interpreter for Eunja Choi
Derek Lincoln .....	Applicant
Curtis Harmon.....	Respondent – Case 19-105
Pinky Segoviano .....	Continuing Education Recipient
Randa Stanford.....	Continuing Education Recipient
☎	Appeared telephonically

**OPEN SESSION**

The meeting was called to order at 9:34 a.m. by Earl Duskey. The following order of business was then considered:

**CALL TO THE PUBLIC**

Amy Pinheiro introduced herself to the Board and offered to bring forth information on a matter that may bear relevance to agenda items regarding a license application and the unlawful use of LMT designation and/or unlawful practice.

Murray Henner, Esq introduced himself to the Board as counsel for Maged Shaker and explained he will be available to answer any questions regarding Mr. Shaker’s agenda items.

**DECLARATION OF CONFLICTS OF INTEREST**

No new conflicts were declared.

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

**Discussion and approval of the Open Session Minutes from the August 31, 2018 board meeting**

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve the Open Session Minutes and the Executive Session Minutes from the August 31, 2018 board meeting.

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

**Investigation File(s)**

**File No. 19-102; Thompson, Adam**

Adam Thompson was present with attorney Leah Tinney, Esq. Andrew White summarized the investigative report, which included Mr. Thompson’s failure to notify the Board of his arrest and conviction within ten days pursuant to A.R.S. § 32-3208. Ms. Tinney summarized the events

leading to Mr. Thompson's conviction and the terms of his plea agreement. Mr. Thompson answered further questions from the Board.

After discussion, a motion was made by Victoria Bowmann and seconded by Mlee Clark to offer a Consent Agreement for probation of the respondent's massage therapy license to run concurrent with the respondent's court ordered probation, a civil penalty of \$1,000.00, notification of any positive drug test results and a requirement to re-appear before the Board after 12 months. If not accepted within 30 days from the date offered the Board will proceed to a Formal Interview. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

File No. 19-103; Duenas, Jie

Jie Duenas was present with attorney Paul Gattone, Esq. Andrew White summarized the investigative report, which included Ms. Duenas's failure to notify the Board, within ten days pursuant to A.R.S. § 32-3208, of her arrest and agreement with the court for suspected prostitution, disorderly conduct and criminal trespassing. Mr. Gattone summarized the findings of the police investigation and concluded that Ms. Duenas's agreement, with the court, included the dismissal of all counts if Ms. Duenas would not operate any business in Oro Valley for at least 10 years.

After discussion, a motion was made by Mlee Clark and seconded by John Ortega to offer a Consent Agreement for a 30-day suspension of the respondent's massage therapy license and if not accepted within 30 days from the date offered to proceed to file a Complaint and Notice of Hearing. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

File No. 19-104; Collins, Jonitta

Jonitta Collins was present with attorney Richard Gaxiola, Esq. Andrew White summarized the investigative report, which included Ms. Collin's failure to notify the Board of her arrest and conviction within ten days pursuant to A.R.S. § 32-3208. Mr. Gaxiola provided a summary of the criminal matter and answered further questions from the Board.

After discussion, a motion was made by Earl Duskey and seconded by John Ortega to offer a Consent Agreement for the surrender of the respondent's massage therapy license and if not accepted within 30 days from the date offered to proceed to file a Complaint and Notice of Hearing. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye

John Ortega – Aye  
Earl Duskey – Aye

Formal Hearing(s)

File No. 18-114; Salas-Felix, Michael

Michael Salas-Felix was present and represented himself. Michael Raine was present and appeared on behalf of the State. Complainant AM was present. Mary DeLaat-Williams was present to provide independent legal advice to the Board.

The State submitted two exhibits which were admitted by the Board. The State presented its case in chief, including witness testimony from complainant AM. The Respondent presented his case in chief, including witness testimony from Bernadette Richardson and Kelsey Nelson.

After discussion, the Board modified Factual Allegations 1, 2, and 4 and a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Factual Allegations as modified as the Findings of Fact.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adopt Alleged Violations 1,2,3,5,6, and 7 as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by John Ortega to suspend the respondent's license for 6 months followed by a 1-year probation. Within the 6-month suspension, respondent must complete 20 hours of live continuing education consisting of 8 hours in the area of communication, 6 hours in the area of ethics and 6 hours in the area of business practices, which shall be in addition to the statutorily required continuing education hours. Respondent must also re-appear before the Board at the end of the suspension period. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

*The Board took a break from 12:51 p.m. – 1:12 p.m.*

Review Compliance/Non-compliance with Consent Agreement

File No. 18-111; Bolton, Michael

Michael Bolton was present. Ryan P. Edmonson provided a summary the violation of the Order. Mr. Bolton described the circumstances preventing the renewal of his license.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to defer action for violating the Consent Agreement to give the respondent until January 15, 2019 to comply with all terms of the Consent Agreement. If respondent is further non-compliant after January 15, 2019 the Board will proceed to file a Complaint and Notice of Hearing.

License Application(s) for Arizona Massage Therapy License(s)  
Shaker, Maged

Unlawful Use of the Massage Therapy Designation and/or Unlawful Practice  
File No. 19-106; Shaker, Maged

Maged Shaker was present with attorney, Murray Henner, Esq. to answer any questions from the Board. Amy Pinheiro was present to provide additional information and answer any questions from the Board. Ryan P. Edmonson provided a summary of the agenda items. Mr. Henner provided further information in response to Mr. Edmonson's summary.

The Board discussed going into executive session to seek legal advice.

**EXECUTIVE SESSION**

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed 3 – 1 to go into executive session at 1:48 p.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding A.R.S. §§ 32-4222 and 32-4255 and File No. 19-106.

*John Ortega voted against the motion.*

After consideration in executive session, the Board reconvened in open session at 2:02 p.m.

**OPEN SESSION**

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

License Application(s) for Arizona Massage Therapy License(s)  
Shaker, Maged

Unlawful Use of the Massage Therapy Designation and/or Unlawful Practice  
File No. 19-106; Shaker, Maged

The same guests were present. The Board discussed whether Mr. Shaker practiced without a license. Maged Shaker answered questions from the Board. Amy Pinheiro answered questions from the Board regarding her massage session with Mr. Shaker.

After discussion, a motion was made by Victoria Bowmann and seconded by Mlee Clark to deny the applicant a massage therapy license on the grounds of deceiving the general public and practicing and advertising without a massage therapy license. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

A motion was made by Earl Duskey and seconded by Mlee Clark to direct the Assistant Attorney General to file an injunction in superior court against the respondent for practicing massage therapy and advertising as a massage therapist without an active license. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

License Application(s) for Arizona Massage Therapy License(s)  
Ames, Oliver

Oliver Ames was present to answer any questions regarding his massage therapy license application or his background. Andrew White provided a summary of the applicant's application and background.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to grant the applicant a massage therapy license.

Formal Hearing(s)  
File No. 18-119; Martinez, Jamie

Jamie Martinez was present with attorney, Richard Gaxiola, Esq. Michael Raine was present and appeared on behalf of the State. Complainant ST was present. Mary DeLaat-Williams was present to provide independent legal advice to the Board.

The State presented its case in chief, including witness testimony from complainant ST. Mr. Gaxiola presented the respondent's case in chief, including witness testimony from respondent Jamie Martinez. The Board admitted three exhibits from the State and one exhibit from the respondent.

After discussion, a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Factual Allegations, excluding numbers 12 and 14 as the Findings of Fact.

After discussion, a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Alleged Violations, excluding number 4 as the Conclusions of Law.

A motion was made by Mlee Clark and seconded by Victoria Bowmann to revoke the respondent's massage therapy license. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

Mr. Gaxiola asked if the Board records their meetings and if so, how can he obtain a copy of the Board's proceedings. Board staff answered that the Board does record its meetings and besides being available online that they would send a copy of this matter directly to his email.

File No. 18-129; Castro, Sergio

Sergio Castro was present and represented himself. Michael Raine was present and appeared on behalf of the State. Complainant CN was present, telephonically, with attorney Brandon Espinoza, Esq. Mary DeLaat-Williams was present to provide independent legal advice to the Board.

The State presented its case in chief, including witness testimony from complainant CN. Sergio Castro presented his case in chief. The Board admitted three exhibits from the State and one exhibit from the respondent. In the State's conclusion, Mr. Raine withdrew Alleged Violation number 4.

After discussion, the Board amended Factual Allegations 3 and 4. A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Factual Allegations as amended as the Findings of Fact.

After discussion, the Board amended Alleged Violation number 6. A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adopt Alleged Violations 1,3,6, and 7 as amended as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to issue a Decision an Order to include probation of the respondent's massage therapy license through the respondent's next renewal date. The probationary period included 16 hours of live continuing education courses which shall be in addition to the 24 statutorily required continuing education hours. The continuing education shall consist of at least 6 hours in the area of draping, 10 hours in the area of communication and 8 hours in the area of ethics. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye  
Victoria Bowmann – Aye  
John Ortega – Aye  
Earl Duskey – Aye

License Application(s) for Arizona Massage Therapy License(s)

Phillips, Nicole

Nicole Phillips was present with attorney, Steven B. Perlmutter, M.D., J.D. to answer any questions regarding her massage therapy license application or her background. Andrew White provided a summary of the applicant's application and background.

After discussion, a motion was made by John Ortega, seconded by Victoria Bowmann and passed unanimously to grant the applicant a massage therapy license.

Choi, Eunja

Eunja Choi was present with interpreter, Hyun Kim to answer any questions regarding her massage therapy license application or her background. Andrew White provided a summary of the applicant's application and background.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to grant the applicant a massage therapy license.

Lincoln, Derek

Derek Lincoln was present to answer any questions regarding his massage therapy license application or his background. Andrew White provided a summary of the applicant's application and background.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to grant the applicant a massage therapy license.

Review Investigation File(s) and Proposed Settlement Offer(s)

File No. 18-138; Centner, Stephen

File No. 19-107; Shin, Eun Ju

Michael Raine provided an update for both Consent Agreements.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to accept both Consent Agreements. The motion was passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye

Victoria Bowmann – Aye

John Ortega – Aye

Earl Duskey – Aye

Application(s) for Massage Therapy Schools(s) Recognition

Universal Therapeutic Massage Institute, Inc. – Albuquerque, NM

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve Universal Therapeutic Massage Institute, Inc. as a Board-recognized school.

**ADJOURNMENT**

The Board adjourned at 6:15 p.m. for lack of quorum.