



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

1740 West Adams, Suite 3401
Phoenix, Arizona 85007
P: (602)542-8604
E: info@massageboard.az.gov
W: <https://massagetherapy.az.gov>

Douglas A. Ducey,
Governor

OPEN SESSION MINUTES

October 29, 2018

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:33 a.m. on Monday, October 29, 2018 at the Board’s office in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. No executive sessions were held.

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

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
- Michael Raine, Esq. Assistant Attorney General
- Marc H. Harris, 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
- Alberto Valverde, LMT Respondent – Case 18-130
- Brian Villesca, LMT Respondent – Case 18-131
- Lane Berk, LMT Respondent – Case 19-112 & 19-113
- Deshon Carter Applicant
- Nathan Senrick, LMT Respondent – Case 19-101
- Adrian Hernandez, LMT..... Respondent – Case 19-108
- Jonathan Taylor, LMT Respondent – Case 19-110
- Wayne Blankenship, LMT..... Respondent – Case 19-111
- Kyle McCarthy..... Witness – Case 19-111
- Complainant..... Case 19-111
- Brent Richards Guest

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.

Elizabeth Christianson, LMT Guest
Robert Stackus, LMT Guest
Samuel E. Gomez, LMT Guest
Lesley Johnsen, LMT Guest
Virgina Johnstone, LMT Continuing Education Recipient
Echo Thomsen, LMT Continuing Education Recipient

OPEN SESSION

The meeting was called to order at 9:33 a.m. by Earl Duskey. The following order of business was then considered:

CALL TO THE PUBLIC

No one from the public wished to address the Board.

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 October 1, 2018 board meeting

Discussion and approval of the Executive Session Minutes from the October 1, 2018 board meeting

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to approve the Open Session Minutes and the Executive Session Minutes from the October 1, 2018 board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Formal Hearing(s)

File No. 18-115; Cisneros, Mario

Mario Cisneros was not present. After the Board called the matter and as a point of order, Marc Harris requested that the matter be re-called at 10:00 a.m., which was the scheduled time in the Complaint and Notice of Hearing.

File No. 18-130; Valverde, Alberto

Alberto Valverde was present and represented himself. Michael Raine was present and appeared on behalf of the State. Marc H. Harris was present to provide independent legal advice to the Board.

The State filed a motion to deem the allegations as admitted under A.R.S. § 32-4254(H) for failure to respond. Mr. Valverde addressed the Board regarding his failure to respond.

After discussion, a motion was made by John Ortega, seconded by Victoria Bowmann and passed unanimously to continue the matter to the November 26, 2018 board meeting and require the respondent to file an answer within 10 days of the Order resetting the hearing.

File No. 18-131; Villesca, Brian

Brian Villesca was present and represented himself. Michael Raine was present and appeared on behalf of the State. Marc H. Harris was present to provide independent legal advice to the Board.

The State filed a motion to deem the allegations as admitted under A.R.S. § 32-4254(H) for failure to respond. Mr. Villesca addressed the Board regarding his failure to respond.

After discussion, a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to continue the matter to the November 26, 2018 board meeting and require the respondent to file an answer within 10 days of the Order resetting the hearing.

File No. 18-132; Wyatt, Schawntavia

Schawntavia Wyatt was not present. Michael Raine was present and appeared on behalf of the State. Marc H. Harris 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 Board Investigator, Andrew White.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adopt the Factual Allegations as the Findings of Fact.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Alleged Violations as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to revoke the respondent's massage therapy license. The motion passed 3 – 1 by the following roll call vote:

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

File No. 18-115; Cisneros, Mario

Mario Cisneros was not present. Michael Raine was present and appeared on behalf of the State. Marc H. Harris was present to provide independent legal advice to the Board.

The State filed a motion to deem the allegations as admitted under A.R.S. § 32-4254(H) for failure to respond.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to deem the allegations as admitted.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Factual Allegations as the Findings of Fact and the Alleged Violations as the Conclusions of Law.

A motion was made by John Ortega 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

The Board took a break from 10:20 a.m. – 10:30 a.m.

Investigation file(s)

File No. 19-112; Berk, Lane

File No. 19-113; Berk, Lane

A motion was made by Earl Duskey, seconded by Victoria Bowmann and passed unanimously to consolidate the two investigation files.

Lane Berk was present. Andrew White summarized the investigative reports, which included allegations of improper draping, inappropriate touching, sexual assault and failure to notify the Board of arrest and conviction within ten days pursuant to A.R.S. § 32-3208. Mr. Berk addressed the Board regarding the allegations and answered further questions.

A motion was made by John Ortega, seconded by Mlee Clark and passed unanimously to file a Complaint and Notice of Hearing.

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

Carter, Deshon

Deshon Carter was present to answer any questions regarding his massage therapy license application or his background.

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

Investigation File(s)

File No. 19-101; Senrick, Nathan

Nathan Senrick was present. Andrew White summarized the investigative report, which included allegations of applying techniques not asked for, improper touching and performing a sex act. Mr. Senrick addressed the Board regarding the allegations and answered further questions.

After discussion, a motion was made by Victoria Bowmann, seconded by Earl Duskey and passed 3 – 1 to dismiss the complaint.

John Ortega voted against the motion.

File No. 19-108; Hernandez, Adrian

Adrian Hernandez was present. Andrew White summarized the investigative report, which included allegations of improper techniques, improper draping and unprofessional procedures. Mr. Hernandez addressed the Board regarding the allegations and answered further questions.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to issue a Non-Disciplinary Order for Continuing Education, which shall include 8 hours of live continuing education in the area of communication to be completed within four months from the

effective date of the order and shall be in addition to the statutorily required continuing education hours.

File No. 19-109; Cork, Terrel

Terrel Cork was not present. Andrew White summarized the investigative report, which included allegations of improper techniques, improper draping and unprofessionalism.

A motion was made by Mlee Clark, seconded by John Ortega and passed unanimously to file a Complaint and Notice of Hearing.

File No. 19-110; Taylor, Jonathan

Jonathan Taylor was present. Andrew White summarized the investigative report, which included allegations of verbal abuse, unwanted touching, unprofessionalism and failure to notify the Board of arrest and conviction within ten days pursuant to A.R.S. § 32-3208. Mr. Taylor addressed the Board regarding the allegations and answered further questions.

A motion was made by Victoria Bowman and seconded by Mlee Clark to offer a Consent Agreement for Probation of the massage therapist's license for up to one year or to run concurrent with the criminal court's probation sentence if it is less than one year. The motion also included 8 hours of live continuing education in the areas of business practices and communication to be completed within four months from the effective date of the order and shall be in addition to the statutorily required continuing education hours and if not accepted within 30 days from the date offered to proceed to 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. 19-111; Blankenship, Wayne

Wayne Blankenship was present with witness Kyle McCarthy, Director of Human Resources, Miraval Resort. Andrew White summarized the investigative report, which included allegations of improper draping and inappropriate treatment. Mr. Blankenship addressed the Board regarding the allegations and answered further questions. Mr. McCarthy addressed the Board and answered further questions. The complainant was present to describe the incident, in her opinion, and answered further questions.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to issue a Non-Disciplinary Order for Continuing Education, which shall include 8 hours of live continuing education in the area of communication to be completed within four months from the effective date of the order and shall be in addition to the statutorily required continuing education hours.

The Board took a break from 11:49 a.m. – 11:55 a.m.

Unlawful Use of the Massage Therapy Designation and/or Unlawful Practice
File No. 19-105; Harmon, Curt

Curt Harmon was not present. Ryan P. Edmonson provided an update.

After discussion, a motion was made by Earl Duskey, seconded by Victoria Bowmann and passed unanimously to issue an Advisory Letter.

Response to Offered Consent Agreement
File No. 16-129; Lozano, Frank

Frank Lozano was not present. Ryan P. Edmonson provided an update.

A motion was made by Earl Duskey, seconded by Victoria Bowmann and passed unanimously to file a Complaint and Notice of Hearing.

FEDERATION OF STATE MASSAGE THERAPY BOARDS (“FSMTB”)

Update and summary of the Board President’s attendance at the 2018 FSMTB Annual Meeting
Earl Duskey provided a summary of the main topics of the 2018 FSMTB Annual Meeting.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS (“FARB”)

Update and Summary of the Assistant Attorney General’s attendance at the 2018 FARB Regulatory Law Seminar
Michael Raine provided a summary of the relevant talking points from the 2018 FARB Regulatory Law Seminar.

ASSISTANT ATTORNEY’S GENERAL REPORT

Michael Raine provided an update of the legislative bills that have recently gone into effect and are relevant to the Board. The summary included House Bills 2065, 2184 and 2238 and Senate Bills 1436 and 1273.

EXECUTIVE DIRECTOR’S REPORT

The Board reviewed the budget and agency operations with Ryan P. Edmonson.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS (“FARB”)

Consideration and possible action on the approval of the Executive Director’s attendance at the 2019 FARB Forum held in New Orleans, Louisiana from Thursday, January 24, 2019 to Sunday, January 27, 2019

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve the Executive Director’s attendance at the 2019 FARB Forum held in New Orleans, Louisiana from Thursday, January 24, 2019 to Sunday, January 27, 2019.

SUMMARY OF CURRENT EVENTS

None were discussed.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTRUE MEETING AGENDAS

- Approval and signing of the Board’s report to the Arizona State Legislature in response to HB 2411.
- Review of the California Board’s unapproved school list.

NEXT BOARD MEETING DATE

Monday, November 26, 2018

ADJOURNMENT

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adjourn at 12:56 p.m.