



Douglas A. Ducey,
Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

February 26, 2018

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:37 a.m. on Monday, February 26, 2018 at the Board’s office in boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. No executive session was held.

BOARD MEMBERS:

	Earl Duskey, LMT	Board Chairperson and Therapist Member
	Victoria Bowmann, LMT.....	Board Vice-Chairperson and Therapist Member
x	Bill Beard	Public Member
	Mlee Clark, LMT	Therapist Member
	John Ortega.	Public Member
x	Absent	

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

GUEST(S) PRESENT AND/OR PARTICIPATING

	Edwin Boice, LMT	Respondent – Case 18-110
	Complainant.....	Case 18-106
	Steven Hall, LMT	Respondent – Case 18-106
☎	Complainant.....	Case 18-107
	Robert Jaminson, LMT	Case 18-107
	Dale Beck Furnish, Esq.....	Respondent’s Attorney – Case 18-107
	Mary “Tee” Wills, LMT	American Massage Therapy Association, Arizona Chapter
	Garnet Adair, LMT	American Massage Therapy Association, Arizona Chapter
	Gregory Y. Harris, Esq.	American Massage Therapy Association, Arizona Chapter
	Michael Bolton, LMT	Respondent – Case 18-111
	Leslie Tolton, LMT.....	Respondent – Cases 18-112 and 18-123
☎	Complainant.....	Case 18-112
☎	Appeared telephonically	

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OPEN SESSION

The meeting was called to order at 9:37 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 December 11, 2017 board meeting

Discussion and approval of the Executive Session Minutes from the December 11, 2017 board meeting

Discussion and approval of the Executive Session Minutes from the October 23, 2017 board meeting

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve the Open Session Minutes from the December 11, 2017 board meeting, the Executive Session Minutes from the December 11, 2017 board meeting and the Executive Session Minutes from the October 23, 2017 board meeting.

CONSENT AGENDA

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve of the following consent agenda items:

License Applications for an Arizona Massage Therapy License

1 .	Adrian	Hernandez	21 .	Barbara	Hill-Reimer
2 .	Alaia	Gooch	22 .	Benjamin	Howard
3 .	Alan	Castro	23 .	Bernard	Kimple Jr
4 .	Alberto	Valverde	24 .	Betty	Jakubik
5 .	Alexis	Amado	25 .	Bianca	Valles Torres
6 .	Alfonso	Cardoso	26 .	Braxton	White
7 .	Alicia	Pollard	27 .	Brian	Truskowski
8 .	Alma	Ramirez	28 .	Briauna	Hunt
9 .	Amanda	Haury	29 .	Brittany	Kratz
10 .	Ana	Lopez	30 .	Brittney	Gomez
11 .	Andrew	Potter	31 .	Brittny	Straub
12 .	Angel	Meyer	32 .	Bryan	Friedman
13 .	Anna	Graf	33 .	Caitlin	Barnett
14 .	Annadine	Lemar	34 .	Caitlin	Burch
15 .	Anne	Johnson	35 .	Caitlin	Chatel
16 .	Ashley	Crick	36 .	Camille	Laing
17 .	Audrey	Partridge	37 .	Carol	Rosenberry
18 .	Austin	Munoz	38 .	Carrie	Brock
19 .	Austin	Sandiford	39 .	Carter	Eslinger
20 .	Avigayl	Zacarias	40 .	Cassandra	Collins

41 .	Cate	Kitay	85 .	Grace	Weston
42 .	Catherine	Clark	86 .	Hae Sook	Cheon
43 .	Cedric	Johnwell	87 .	Hailey	Donaldson
44 .	Chasity	Rash	88 .	Haley	Lusby
45 .	Chelsey	Hopple	89 .	Hannah	Lang
46 .	Chenise	Davis	90 .	Hannah	Rees
47 .	Christina	Butler	91 .	Haribol	Siddhadas
48 .	Christina	Feinga	92 .	Heather	Bradbury
49 .	Christine	Stamm	93 .	Heather	Mannefeld
50 .	Chuck	Thompson	94 .	Hector	Ruiz
51 .	Cinthya	Knox	95 .	Holly	Parrish
52 .	Cora	Davis	96 .	Iris	Polen
53 .	Crystal	Campbell	97 .	Irma	Melano
54 .	Cyrus	Gannon	98 .	Jacqueline	Corridan
55 .	Dan	Jiang	99 .	James	Ball
56 .	Daniel	Fisher	100 .	Jamie	Oldencamp
57 .	Daniel	Hanson	101 .	Jason	Cano
58 .	Daniel	Luttrell	102 .	Javier	Mejia
59 .	Daniella	Almeida	103 .	Jenna	Richard
60 .	David	Drake	104 .	Jeremy	Deramus
61 .	Deanna	Jarrell	105 .	Jessica	Lopez
62 .	Debra	Dehm	106 .	Jessica	Navarro
63 .	Debra	Olawski	107 .	Jesus	Rodriguez Munoz
64 .	Deirdre	Booker	108 .	Jo	Hughes
65 .	Deliana	Brown	109 .	Johanna	Orellana
66 .	Denise	Killian	110 .	Joliene	Parker
67 .	Derek	Meier	111 .	Joseph	Higgins
	Derrick		112 .	Joseph	Mascareñas
68 .	"Topp's"	Strickland	113 .	Joshua	Helberg
69 .	Diane	Van	114 .	Judith	Johnson
70 .	Dylan	Iadicicco	115 .	Julie	Chelberg
71 .	Elena	Charrette	116 .	Julissa	Ross
72 .	Elias	Sanchez	117 .	Kali	Oistad
73 .	Elisabeth	Taussig	118 .	Kalie	Graening
74 .	Elvira	Ramirez Lopez	119 .	Karen	Loupee
75 .	Emily	Velasquez	120 .	Karen	Sneider
76 .	Emmalee	Rogers	121 .	Karol	Zawol
77 .	Erin	King	122 .	Kathleen	Flamini
78 .	Ezequiel	Reyes	123 .	Kathryn	Giebenhain
79 .	Faith	Mosio	124 .	Kathryn	Scott
80 .	Francisco	Zelaya-Armenta	125 .	Katie	Dietz
81 .	Gabriel	Quevedo	126 .	Keimonte	Blueford
82 .	Genevieve	Nga Epse Oum	127 .	Kelly	Braucht
83 .	Gina	Johns	128 .	Kimberly	Copper
84 .	Giovanny	Ruiz	129 .	Kimberly	Hamsher

130 .	Kimberly	Marceau	175 .	Nicholas	Ristigian
131 .	Kimberly	Pilling	176 .	Nichole	Buften
132 .	Kirsten	Erikson-Doherty	177 .	Nichole	Mccalla
133 .	Kitty	Wolfe	178 .	Nicole	Williams
134 .	Koltan	Hall	179 .	Nikki	Baldauf
135 .	Kristain	Hale	180 .	Norma	Ortiz-Carter
136 .	Kristen	Holmes	181 .	Palfila	Begay
137 .	Kristen	Villegas	182 .	Patricia	Lunnon
138 .	Kristina	Steck	183 .	Paul	Haygood
139 .	Larissa	Lovely	184 .	Peggy	Villegas
140 .	Lauren	Burns	185 .	Prattana	Bunnag
141 .	Leah	Perez	186 .	Rabecca	Edgars
142 .	Leslie	Adams	187 .	Rachel	Maddux
143 .	Lindsey	Frost	188 .	Rebecca	Henderson
144 .	Lindsey	Rhoden	189 .	Renae	Nelson
145 .	Ling Hua	Chang	190 .	Rhonda	Robbins
146 .	Liyang	Xiang	191 .	Ricky	Teague
147 .	Lonnie	Catania, Jr.	192 .	Rikki	Hoggatt
148 .	Loretta	Phillips	193 .	Rikki	Saali
149 .	Loribeth	Newman	194 .	Robert	Stroh
150 .	Lynda	Keohane	195 .	Robert	Wills
151 .	Magali	Alarcon Alarcon	196 .	Rocio	De La O
152 .	Maggie	Ryan	197 .	Rocio	Garcia
153 .	Maia	Lee	198 .	Samantha	Gettman
154 .	Malinda	Pattea	199 .	Samantha	Ruzol
155 .	Marc	Williams	200 .	Sara	Schwartz
156 .	Marci	Lilly	201 .	Savannah	Reese
157 .	Margaret	O'Connor	202 .	Schuyler	Fitzkee
158 .	Margaret	Stephens	203 .	Shaina	Han
159 .	Marisa	Kantrowitz	204 .	Sharon	Uihlein
160 .	Marlon	Merritt	205 .	Sharon	Young
161 .	Mckenna	Cummings	206 .	Shauntay	Forte
162 .	Michael	Farino	207 .	Sherry	Litasi
163 .	Michele	Rice	208 .	Sophia	Emenanjo
164 .	Michelle	Brody	209 .	Stevie	Rinehart
165 .	Michelle	Serafin	210 .	Summer	Crane
166 .	Michelle	Villa	211 .	Tabitha	Searight
167 .	Mijin	Lee	212 .	Tamila	Hicks
168 .	Mijin	Mun	213 .	Tanya	Tanita
169 .	Modesty	Canez	214 .	Terrel	Cork
170 .	Nancy	Yater	215 .	Theresa	Castro
171 .	Natasha	Jones	216 .	Tiffany	Allen
172 .	Nathan	Morrison	217 .	Timeeka	Young
173 .	Neil	Whitmore	218 .	Timothy	Devault
174 .	Nerine	Robardey	219 .	Tracie	Harrington

220 .	Tristan	Pursley	229 .	Xavier	Lebario
221 .	Troy	Masters	230 .	Xin Rui	Yang
222 .	Tuan	Ta	231 .	Xulan	Li
223 .	Valerie	Araiza	232 .	Yamane	Mut
224 .	Vallon	Daniels-Burns	233 .	Yasmin	Leon
225 .	Wei	Xia	234 .	Yazzie	Martinez-Perez
226 .	Weijin	He	235 .	Yindi	Pu
227 .	William	Lawrence	236 .	Youri	Kim
228 .	Winston	Palmer			

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

1. San Francisco School of Massage & Bodywork – San Francisco, CA

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

File No. 18-110; Nez (Formerly Boice), Edwin

Edwin Nez was present. Andrew White was present and provided a summary of his investigative report. Mr. White's report included that the respondent was impaired when he was involved in a traffic accident and pled guilty to aggravated assault and endangerment. Mr. White's report also included the respondent's failure to notify the Board pursuant to A.R.S. § 32-3208. Mr. Nez summarized the accident, why he failed to notify the Board timely and his rehabilitation and recovery from alcohol.

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to offer a consent agreement to the therapist to include a 24-month probation. During the probationary period, the therapist would be required to take 24 hours of continuing education ("CE") in the area of ethics with all 24 hours to be in addition to the statutorily required CE, pre-approved by the Board and in a classroom setting. The therapist will also continue to participate in an Alcoholics Anonymous program that includes meeting at least once a week, meeting with a sponsor and random, quarterly urinalysis testing. The motion included that if the consent agreement is not accepted within 30 days, from the date offered, to proceed to a formal interview.

Formal Hearing(s)

File No. 18-102; Poole, Monique

Monique Poole was not present. Michael Raine was present and appeared on behalf of the State. Mary DeLaat Williams was present to provide independent legal advice to the Board.

The State briefly presented its case and requested that the Board deem the admissions of the State since the respondent failed to respond to the Complaint and Notice of Hearing.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to deem the admissions in the Complaint and Notice of Hearing.

A motion was made by Vitoria Bowmann, seconded by John Ortega and passed unanimously to adopt the Findings of Fact and Conclusions of Law as written in the Complaint and Notice of Hearing.

After the State requested that the discipline imposed should be revocation, a motion was made by Victoria Bowmann and seconded by John Ortega to issue a Decision and Order (“Order”) revoking the respondent’s massage therapy license. The motion passed 4 – 0 by the following roll call vote:

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

File No. 18-106; Hall, Steven

Steven Hall was present and appeared on his own behalf. Michael Raine was present and appeared on behalf of the State. The complainant was present. Mary DeLaat Williams was present to provide independent legal advice to the Board.

Both parties presented their cases in chief. The state presented its case and concluded that the Board must now decide whether or not to believe the testimony provided by the complainant while at the same time recalling that the complainant has remained consistent with her testimony from the beginning of filing a complaint until the day’s testimony. The massage therapist presented his case and concluded that he did not do or commit any of the acts that the complainant stated. He also stated that he has implemented measures in his practice to prevent individuals implying any wrongdoing.

A motion was made by Mlee Clark, seconded by Victoria Bowmann and passed unanimously to adopt the Findings of Fact as written in the Complaint and Notice of Hearing.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt the Conclusions of Law as written in the Complaint and Notice of Hearing.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to issue a Decision and Order (“Order”) revoking the respondent’s massage therapy license. The motion passed 4 – 0 by the following roll call vote:

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

The Board took a break from 11:14 a.m. to 11:25 a.m.

File No. 18-107; Jamison, Robert

Robert Jamison was present and appeared along with his attorney Dale Beck Furnish. Michael Raine was present and appeared on behalf of the State. The complainant was present. Mary DeLaat Williams was present to provide independent legal advice to the Board.

Both parties presented their cases in chief. The State presented its case and concluded that the Board must now decide to believe one party’s version of facts over the other party’s, but acknowledge that the complainant was injured and that the breast area was massaged even if the

breasts were not massaged. The massage therapist presented his case and concluded that Mr. Jamison did nothing without the complainant's prior consent and that there was some injury, but that there was no intent to harm.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adopt Findings of Fact 1 – 5, 7, 8, 10, 11 & 12 as written in the Complaint and Notice of Hearing and to modify Findings of Fact 6 & 9 with 6 reading, "Respondent indicated to KA his belief that it was not a lump but rather a muscle spasm" and 9 reading, "During the massage, Respondent placed his hand across her sternum, which he indicated was to stabilize her while working on her neck area".

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adopt Conclusions of Law 1 – 4 & 6 as written in the Complaint and Notice of Hearing and to strike Conclusion of Law number 5.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to issue a Decision and Order ("Order") to include probation for one year. During the probationary period, the therapist would be required to take 16 hours of continuing education ("CE") in the areas of ethics and communications with all 16 hours to be in addition to the statutorily required CE, pre-approved by the Board or its Executive Director and in a classroom setting. The motion included Respondent requesting, in writing, to be released from probation at the end of the one year period and the written request must contain a minimum of two hundred (200) words regarding what he has learned in order to prevent a similar circumstance in the future. The motion passed 4 – 0 by the following roll call vote:

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

The Board took a break from 1:25 p.m. to 1:39 p.m.

EXECUTIVE DIRECTOR'S REPORT

Agency Operations

Legislation

Mary "Tee" Wills, Garnet Adair and Gregory Y. Harris were present on behalf of the American Massage Therapy Association, Arizona Chapter to provide an update regarding the current legislative session and its impact on the Arizona State Board of Massage Therapy.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

File No. 18-111; Bolton, Michael

Michael Bolton was present. Andrew White was present and provided a summary of his investigative report. Mr. White's report included that the respondent was arrested on January 8, 2016 and again on November 11, 2016 for multiple infractions, including domestic violence, assault, abusive language to provoke and driving under the influence. Mr. White's report also included the respondent's failure to notify the Board pursuant to A.R.S. § 32-3208. Mr. Bolton

read a prepared statement into the record regarding his two arrests and that he takes responsibility for his actions. He stated that he admitted to being an alcoholic and is going through many things to rehabilitate and walk in recovery from alcohol.

After discussion, a motion was made by Victoria Bowmann and seconded by Mlee Clark to offer a consent agreement to the therapist to include a one year probation. During the probationary period, the therapist would be required to continue with his rehabilitative treatment within the Alcoholics Anonymous. The motion included that if the consent agreement is not accepted within 30 days, from the date offered, to proceed to a formal interview. The motion passed 4 – 0 by the following roll call vote:

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

File No. 18-112; Tolton, Leslie

Leslie Tolton was present. Andrew White was present and provided a summary of his investigative report. Mr. White's report included the complainant's allegations that Mr. Tolton performed a breast massage without prior consent. The complainant was present telephonically and she described her experience as humiliating. She also stated that she filed a report with his employer and provided her testimony to local police for their report. Mr. Tolton explained the technique he used and why he massage both the front and back of her torso, but stated that he moved the complainant's breasts with the back of his hand to reach the side of her torso.

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

File No. 18-123; Tolton, Leslie

Leslie Tolton was present. Andrew White was present and provided a summary of his investigative report. Mr. White's report included the complainant's allegations that Mr. Tolton performed a massage that included the complainant's breasts, vagina and pelvic region. The report also included verbal, sexual advances that the complainant said was shocking and put her in a vulnerable position where she became motionless and voiceless. The complainant was not present. Mr. Tolton summarized his interaction with the complainant. Mr. Tolton stated that the complainant stated that she is not that modest and does not have a problem being naked. Mr. Tolton stated he did not respond to her statement. He stated he did massage the complainant's gluts and did not go anywhere near her vagina.

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

File No. 18-113; Stewart, Erika

Erika Stewart was not present. Michael Raine was present and provided information regarding the Board's statutes and rules when they have a conviction of prostitution.

A motion was made by Victoria Bowmann, seconded by Earl Duskey and passed unanimously 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 to revoke the respondent's massage therapy license.

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

File No. 17-109; Vickers, Harrison

Michael Raine provided a summary of the matter and an update regarding the Board's disciplinary process. Mr. Raine stated that it might be more appropriate for the Board to rescind its original motion to conduct a formal hearing in this matter and instead to offer a consent agreement and if not accepted to move the matter to a formal interview. Mr. Raine summarized what a consent agreement could read based on the allegations of a massage that was too much pressure.

A motion was made by Victoria Bowmann, seconded Mlee Clark and passed unanimously to rescind the Board's original motion to file a Complaint and Notice of Hearing and instead offer a consent agreement for six hours of continuing education in the areas of ethics and communication and if not accepted within 30 days of the offer being offered to move the matter to a formal interview.

File No. 18-104; Wang, Zhonghui

Michael Raine provided an update regarding the Board's offer and the respondent's counter offer. Mr. Raine stated that the counter offer includes the same facts as offered in the consent agreement would remain the same, including a breast massage, being performed, without prior written consent. However, the fact that the intent was sexual in nature would be omitted.

A motion was made by Victoria Bowmann and seconded by John Ortega to accept the counter offer. The motion passed 4 – 0 by the following roll call vote:

Mlee Clark – Aye

John Ortega – Aye

Victoria Bowmann – Aye

Earl Duskey – Aye

Board Elections

After a brief discussion, a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to elect Earl Duskey as Chair of the Board and Victoria Bowmann as Vice-chair of the Board.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget and agency operations with Ryan P. Edmonson, including adding monthly meetings and cancelling meetings as necessary.

A motion was made by Earl Duskey, seconded by Victoria Bowmann and passed unanimously to accept the meetings as scheduled by staff.

ASSISTANT ATTORNEY'S GENERAL REPORT

Michael Raine provided a summary of the Board's duties as it relates to delegating authority to the Executive Director for purposes of granting initial licenses and renewal licenses.

After discussion, a motion was made by Earl Duskey, seconded by Mlee Clark and passed unanimously to delegate the Board's authority to the Executive Director to grant initial and renewal licenses to massage therapists provided there is no substantive or questionable reason not to grant a license.

COUNCIL ON LICENSURE, ENFORCEMENT & REGULATION ("CLEAR")

After Ryan P. Edmonson provided an overview of the CLEAR conference, a motion was made by Victoria Bowmann, seconded by Earl Duskey and passed unanimously to approve Andrew White's attendance and travel to the CLEAR National Certified Investigator & Inspector Training held in Austin, Texas from April 9, 2018 – April 11, 2018.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS ("FARB")

After Ryan P. Edmonson provided an overview of the FARB conference, a motion was made by Bill Beard, seconded by Earl Duskey and passed unanimously to approve the Executive Director's attendance at the 2018 FARB Forum held in Coronado, California from Thursday, January 25, 2018 – Sunday, January 28, 2018.

SUMMARY OF CURRENT EVENTS

None were discussed.

NEXT BOARD MEETING DATE

Monday, March 26, 2018 at 9:30 a.m.

ADJOURNMENT

A motion was made by Victoria Bowmann, seconded by John Orteg and passed unanimously to adjourn at 3:59 p.m.