



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

May 20, 2019

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:38 a.m. on Monday, May 20, 2019 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
- ✘ Mlee Clark, LMT Therapist Member
- John Ortega Public Member
- Vacant Public Member

- ✘ Absent

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

- Tom Aughterton..... Executive Director
- Michael Raine, Esq. Assistant Attorney General
- Mary DeLaat-Williams, Esq. Assistant Attorney General, Independent Legal Advisor
- Andrew White..... Senior Board Investigator
- Tony WilcoxLicensing & Operations Specialist
- April Romero Licensing & Program Specialist
- Kathy Rich Intake Specialist

GUEST(S) PRESENT AND/OR PARTICIPATING:

- Garnet Adair, LMT American Massage Therapy Association, Arizona Chapter
- Tee Willis, LMT American Massage Therapy Association, Arizona Chapter
- Greg Harris, Esq..... Lewis Roca Rothgerber Christie LLP, Partner
Representing American Massage Therapy Association, Arizona Chapter
- Phillip Dominguez, LMT.....Respondent – Case 19-133
- Michelle Villanueva-Skura Respondent’s Attorney – Case 19-133
- Complainant..... Case 19-133
- Jayne Wolgan, LMTRespondent – Case 19-156
& Continuing Education Recipient
- Gabriel Houseal, LMTRespondent – Case 19-163
- Michael Wright 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.

John M. Guest
Timothy Bowma Guest
Jennifer Knight..... Guest
Ramon Franco Guest
Alice Draisin Burmeister, LMT Continuing Education Recipient
Marjorie Hebets, LMT Continuing Education Recipient
Nicole Albert, LMT Continuing Education Recipient

OPEN SESSION

The meeting was called to order at 9:38 a.m. by Earl Duskey. The following order of business was then considered:

ROLL CALL

Roll call of the Board members was taken and a quorum was established.

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 April 29, 2019 board meeting.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to approve the Open Session Minutes from the April 29, 2019 board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Formal Hearing(s)

File No. 19-133; Dominguez, Phillip

Phillip Dominguez was present with attorney Michelle Villanueva-Skura, Esq. 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 presented its case in chief, including witness testimony from Senior Board Investigator, Andrew White, and the complainant. The State submitted 4 exhibits, which were submitted by the Board. Ms. Villanueva-Skura presented her case in chief, including witness testimony from Respondent, Phillip Dominguez.

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

After discussion, a motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adopt the Alleged Violations as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by John Ortega to revoke the respondent's massage therapy license. The motion passed 3 – 0 by the following roll call vote:

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

The Board took a break from 12:01 p.m. – 12:14 p.m.

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

Duncan, Kristin

Kristin Duncan was not present 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. Michael Raine reviewed the licensing statutes with the Board.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to table the application until June 24, 2019 and request the presence of the applicant.

Formal Interview(s)

File No. 19-145; Kamae, Christopher

Christopher Kamae was not present. Andrew White reminded the Board that Mr. Kamae requested the Formal Interview. Michael Raine advised that the formal interview cannot proceed without the presence of the respondent and reviewed the Board's options.

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

Investigative Review File(s)

File No. 19-156; Wolgan, Jayne

Jayne Wolgan was present. Andrew White summarized the investigative report, which included allegations of unprofessionalism, improper draping and services not asked for. Ms. Wolgan described the massage session in question, presented soap notes and answered further questions from the Board.

A motion was made by Victoria Bowmann and seconded by John Ortega to dismiss the case and close the file. The motion passed 3 – 0 by the following roll call vote:

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

File No. 19-163; Houseal, Gabriel

Gabriel Houseal was present. Andrew White summarized the investigative report, which included allegations of unprofessionalism, sexual assault and providing a breast massage without permission. Mr. Houseal addressed the Board as best he could and expressed it was difficult to remember a particular session which took place over two years ago.

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to move the matter to a Formal Interview.

PROPOSED 2020 BOARD LEGISLATIVE PACKAGE

Proposed Board legislative package; 1st draft form 2018 informal committee

The Board discussed the genesis of the informal committee and proposed legislative package, the current legislative climate and possible strategies for moving forward with Tom Aughterton, Greg Harris, Garnet Adair and April Romero.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget and agency operations with Tom Aughterton and reviewed complaint statistics with Andrew White.

SUMMARY OF CURRENT EVENTS

Andrew White informed the Board of his interview with Channel 12 News for a story set to air on May 22, 2019.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTRUE MEETING AGENDAS

Executive Director, Tom Aughterton, will provide an update on the status of the vacant board seat.

NEXT BOARD MEETING DATE

Monday, June 24, 2019

ADJOURNMENT

A motion was made by Victoria Bowmann, seconded by John Ortega and passed unanimously to adjourn at 1:33 p.m.