



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

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Douglas A. Ducey,
 Governor

OPEN SESSION MINUTES

June 24, 2019

Members of the Arizona State Board of Massage Therapy (“Board”) held a meeting at 9:31 a.m. on Monday, June 24, 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
- ⌚ Elizabeth Campbell, Esq. Assistant Attorney General, Independent Legal Advisor
- Andrew White..... Senior Board Investigator
- Tony WilcoxLicensing & Operations Specialist
- April Romero Licensing & Program Specialist
- Kathy Rich Licensing Specialist

- ⌚ Arrived at 10:00 a.m.

GUEST(S) PRESENT AND/OR PARTICIPATING:

- Garnet Adair, LMT American Massage Therapy Association, Arizona Chapter
- Kristie Krambule..... Guest
- ☎ Kristin Duncan Applicant
- James DeGrandis, LMT Respondent – Case 19-166
- Robert Chelle, Esq. Respondent’s Attorney – Case 19-166
- Juvall Calmese, LMT..... Respondent – Case 19-173
- Yong Liang Qu, LMT Respondent – Case 19-138
- David Bednar, Esq. Respondent’s Attorney – Case 19-138
- Keng Lim Respondent’s Interpreter – Case 19-138

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 19-138
- Lijuan Tong, LMT Witness – Case 19-138
- Complainant..... Case 19-163
- Karla Rosser..... Guest
- Ramon Franco..... Guest

- ☎ Participated telephonically

OPEN SESSION

The meeting was called to order at 9:31 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

Kristie Krambule address the Board regarding the desire for Board statutes to consider work experience for applicants whose education does not meet the 700-hour requirement.

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 May 20, 2019 board meeting.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to approve the Open Session Minutes from the May 20, 2019 board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Unlawful Use of the Massage Therapy Designation and/or Unlawful Practice

File No. 19-160; Dangerfield, Kristen

File No. 19-161; Hinojosa, Meagan

Neither respondent was present. Andrew White requested additional time for further investigation into the files.

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to table the files until the next Board meeting.

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

Duncan, Kristin

Kristin Duncan was present telephonically 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 Mlee Clark and passed unanimously to grant the applicant a massage therapy license.

Investigation Review File(s)

File No. 19-154; Saganuma, Kailoa

Kailoa Saganuma was not present. Andrew White summarized the investigative report, which included improper touching and sexual assault.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to offer a Consent Agreement for the surrender of the respondent's massage therapy license and if not accepted within 10 days from the date offered to proceed to a Formal Interview. The motion passed by the following roll call vote:

Mlee Clark – Aye

Victoria Bowmann – Aye

Earl Duskey – Aye

File No. 19-166; DeGrandis, James

James DeGrandis was present with attorney Robert Chelle, Esq. Andrew White summarized the investigative report including unprofessionalism and sexual assault. Mr. DeGrandis answered questions from the Board.

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

File No. 19-173; Calmese, Juvall

Juvall Calmese was present. Andrew White summarized the investigative report including unprofessionalism, sexual assault and improper breast touching. Mr. Calmese summarized the massage session and answered further questions from the Board.

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

The Board took a break from 10:14 a.m. – 10:25 a.m.

Formal Hearing(s)

File No. 19-138; Qu, Yong Liang

Yong Liang Qu was present with attorney David Bednar and interpreter Keng Lim. Michael Raine was present and appeared on behalf of the State. Elizabeth Campbell 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 2 exhibits, which were accepted by the Board. Mr. Bednar presented his case in chief, including witness testimony from Lijuan Tong, manager of First Class Reflexology & Massage and from Respondent, Yong Liang Qu.

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

After discussion, a motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to strike A.A.C. R4-15-103(c) from Alleged Violation 4 and adopt the amended Alleged Violations as the Conclusions of Law.

A motion was made by Victoria Bowmann and seconded by Mlee Clark to issue a Non-Disciplinary Order for Continuing Education to include 12 hours of live continuing education in the areas of business practices and communication, in addition to the statutorily required continuing education hours, to be completed within 9 months of the effective date of the order. The motion passed by the following roll call vote:

Mlee Clark – Aye

Victoria Bowmann – Aye

Earl Duskey – Aye

The Board took a break from 12:46 p.m. – 12:52 p.m.

Formal Interview(s)

File No. 19-163; Houseal, Gabriel

Gabriel Houseal was not present.

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

The complainant was present and addressed the Board to inquire about the purpose of the Formal Interview. Michael Raine answered on behalf of the Board and briefly explained the Formal Interview process.

EXECUTIVE DIRECTOR’S REPORT

The Board reviewed the budget and agency operations with Tom Augheron.

SUMMARY OF CURRENT EVENTS

Michael Raine informed the Board that the Office of the Attorney General will release a report summarizing the upcoming changes from the recent legislative session.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTRUE MEETING AGENDAS

Selection of a delegate for the FSMTB 2019 Annual Meeting.

NEXT BOARD MEETING DATE

Monday, July 29, 2019 beginning at 8:30 a.m.

ADJOURNMENT

A motion was made by Victoria Bowmann, seconded by Mlee Clark and passed unanimously to adjourn at 1:15 p.m.