



State of Arizona
Douglas A. Ducey
Governor

Arizona State Board of Massage Therapy

“Protecting the Public’s Health”

1400 West Washington • Suite 300 • Phoenix, AZ 85007 • Telephone 602-542-8604 • FAX 602-542-8804
Victoria Bowmann, LMT; Earl Duskey, LMT; John Ortega, Public Member;
Diane Pruetz, Public Member; Kathleen Phillips, Executive Director

MINUTES BOARD MEETING

February 27, 2017 9:30 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Victoria Bowmann, Chair, called the meeting to order at 9:32 am.

A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present: Victoria Bowmann, LMT, and Chair
Earle Duskey, LMT, Vice-Chair
John Ortega, Public Member
Diane Pruetz, Public Member
(vacant) Professional Member

B. Acknowledgement of presence of Board staff and legal counsel.

Assistant Attorney General: Elizabeth Campbell

Independent Advisor: Michael Raine, AAG

Board Staff present: Kathleen Phillips, Executive Director
Andrew White, Investigator
Tony Wilcox, Administrative Assistant

2. Call to the Public.

No concerns.

3. Discussion, Consideration and Possible Action on Consent Agenda

(Any item under consent may be removed for independent discussion and action by a Board Member.)

A. Approval of Minutes:

a. **December 05, 2016** Board meeting minutes

B. Approval of 276 Massage Therapy License Applications (completed between 11/27/16-02/27/17)

Gabriella	Alvarado
Alyssa	Anderson
Zuleyma	Arellano Garduno

Jose	Avila
George Awad	Awad
Peggy	Babbitt

Uma	Bacso
Hanyoung	Bae
Louis	Barber
Erin	Barlow

Sandra	Basulto-Brambila
Ashley	Battige
Donna	Bellew
Sarah	Belloc
Jacquelyn	Bennett
Lynn	Benson
Michaela	Bergsman
Roman	Bernal
Irene	Bingemer
Jessica	Bird
Daniel	Birdsall
Rebecca	Bischoff
Brooke	Blanchard
Ruby	Blume
Andrea	Borkowski
Rachel	Boyle
Cynthia	Bratcher
Lindsey	Brimhall
Alyssa	Britland
Carl	Bryson
Mariana	Burrola
Brandy	Busch
Stephen	Bush
Leila	Caldeira
Stephanie	Calhoun
Ernest	Cano III
Sarah	Cantu
Kelly	Carrington
Morris	Carter
Susan	Casaccio
Kassandra	Castillo
Johanna	Castillo-Cota
Rowan	Cattell
Marilyn	Chantrill
Lauren	Chartier
Luis	Chavez
Lauren	Cheadle
Charity	Christensen
Rachel	Christie
Suparat	Chuethong
Denise	Click

Joy	Cochran
Trent	Coleman
Susan	Collins
Ryan	Comford
Hope	Cooner
Zyronee	Corre
Steven	Cranford
Averys	Crayton
Candice	Cross
Adam	Crow-Murabito
Somma	Cruthoff
Miguel	Cruz
Bethany	Cullen
Liping	Czar
Gabrielle	Davis
David	De La Rosa
Rebecca	Debusk
Allison	Dobyns
Tricia	Dondero
Taeleisha	Doty
Stacy	Draves
Cody	Duke
James	Dye Jr
June	Eagle
Amy	Eberbach
Dominique	Erickson
Joshua	Erickson
Gabriel	Estrada
Shayna	Eutsey
Gilbert	Flores
Vanessa	Flores
Cerise	Fowler
Jenna	Fryar
Tanner	Galusha
Gabriel	Gardiola
Lizeth	Gastelum
Inez	Gavino
Jenifer	Gerardo Buenrostro
Bernadine	Gilmore
Sebastian	Glory

Michelle	Gomez
Lizamara	Gonzales Hernandez
Andrew	Graziano
Angelica	Gurrola
Shalom	Gutierrez
Maricel	Haas
Haley	Hafner
Lucy	Hagan
Dina	Hancock
Ariel	Hanna
Deonia	Hanson
Julian	Harris
Choi	Hasuike
Priscilla	Hataway
Christina	Hayes
Rebecca	Henderson
Gabrielle	Henrie
Jessica	Hernandez
Oscar	Hernandez
Xavier	Hernandez
Olivia	Herrera
Jamie	Heusinkveld
Danielle	Hicks
Won	Himes
Keely	Hoida
Jeri	Hunter
Iliniza	Imerman
BriAnna	Jameson
Christine	Janaky
Shelby	Jenkins
Felisha	Jones
Brooke	Kassera
Yangsun	Kim
Sarah	King
Bree	Kotas
Nicole	Kulchecki
Summer	Kulina
Heather	Lafata
Jessyka	Lalor
Dylan	Landis
Sheryl	Lanham

Lisa	Larsen
Richard	Laston III
Joseph	Laturno
Soon	Lee
Kaelin	Lester
Brienna	Levin
Dawnitelle	Lewis
Guangyu	Li
Wenxiu	Liu
Javonna	Logan
Casey	Long
Abby	Lopez
Anissa	Lopez
Francisco	Lopez
Robert	Lopez
Soyla	Lopez
Valerie	Lopez
Clarissa	Lovato
Jacqueline	Luciano
Hannah	Maher
Robert	Malik
Jennifer	Mann
Mitchell	Mantei
Brayan	Martinez-Villeda
Angelina	Marzano
Ronald	Maslovsky
Linda	Mauk
Carlos	McCain
Reanna	McPherdran
Fengzhen	Merrell
Qing	Miao
Lora	Miller
Peter	Milligan
Tieshawn	Mims
Hannah	Montgomery
Nicholas	Morton
Magdalene	Murray
Liyan	Na
Carlie	Nannini
Christopher	Napoles
Janeth	Navarrete

Michelle	Nunez
Lani	Oft
Danielle	Ohlund
Amanda	Ong
Odeymis	Orbe
Kylie	Palmer
Sindy	Paniagua
Jong	Park
Sun	Park
Ashley	Peck
Olivia	Pehl
Shelley	Pelino
Casandra	Pellegrin
Georgina	Perez
Alyssa	Perkins
Andrew	Phillips
Barbara	Prested
Martha	Quinonez
Jon	Ramos
Chad	Ravert
Ashley	Ray
Taylor	Reed
Kenneth	Richings
Jennifer	Ritter
Sheyenne	Roberts
Stephanie	Roberts
Ronda	Robertson
Colleen	Rodriguez
Nicole	Rodriguez
Sonia	Rojas Leo
Frances	Russell
Rachael	Ryan
Yesenia	Salazar
Jill	Schmidgall
Sean	Schooley
Samantha	Scott
Amanda	Selders
Keiauna	Sesate
Micheal	Sexton
Ivelina	Seykova
Sondra	Shepherd
James	Shields

Sukhee	Singsathid
Patricia	Skubinna
Athena	Smith
Christian	Smith
Katherine	Smith
Michaela	Snyder
Marissa	Somoza
Malinda	Soto
LaDonna	Spatari
Debra	Spaulding
Lindsay	Spencer
Kimberly	Spezia
Rebecca	Stanley
Andrea	Stepien
Crystal	Stewart
Brittany	Stone
Jessica	Stroble
Samantha	Sturgeon
David	Swegan
Anthony	Thomas
Jena	Thompson
Dave	Thrasher
Jorge	Ticona
Jamila	Tolbert
Erin	Tolman
Enddi	Torres Corrales
Ronnie	Triphahn
Jeffrey	Troiani
Paigess	Tuck
Gregory	Vacca
Leah	Villagran
Michelle	Vincent
Irina	Voronina
Koryn	Walton
Pamela	Wambsgans
Bo	Wang
Lili	Wang
Xiang Hua	Wang
Xiao	Wang
Yumin	Wang
Jamie	Warnhoff

Carrie	Weinberg
Bryan	Weinstein
Tiffany	Weir
Amy	Whiting
Kisha	Williams
Leanna	Williams
Kevin	Williamson

Lisa	Willis
Almonyonna	Wilson
Olivia	Wilson
Lyndi	Winther
Jacob	Wood
Li	Yang
Qizhi	Yang

Yeon	Youn
Nahrain	Younathan
Joshua	Young
Leslie	Zahn
Fan	Zhang
Fengjun	Zhang

C. Approval of Massage Therapy Schools

CA Beach	California College of Physical Arts	2002-2007 2011-Reapproved	18582 Beach Blvd, Suite 11	Huntington
CA	Esalen Institute School of Massage *	2009- 03/31/2017	55000 Highway One	Big Sur
IL	Southwestern Illinois College	03/24/1961-2024	2500 Carlyle Ave	Belleville
NJ Park	New Wave Myotherapy Academy	Jan-2017- Dec 2017	29 Fairview Street	Palisades
NE	Midwest School of Massage (Renewal)	10/11/12-11/1/17	6550 S 84 th St #400	Omaha
VA Beach	Cayce/Reilly School of Massage	Oct-1996 – Oct-2018	215 67 th Street	Virginia

* Mistake on the ending date, restriction has been removed and will be approved on Board meeting 4/24/2017

MOTION: Ms. Pruetz moved that the board approve board meeting minutes for December 05, 2016, License applications and approval of Massage Therapy Schools .

Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Nays – 0

4. Discussion, Consideration and Possible Action on Regulatory Matters

A. Discussion, Consideration and Possible Action on Investigative Reviews

1. Lesi Lorente Case #17-111

Ms. Lorente was present.
Investigator White read the investigative report.
The Board addressed Ms. Lorente to give her testimony.
Ms. Lorente gave her testimony.
Mr Ortega asked Ms. Lorente what happened.
Ms. Lorente said Ruger firearm was kicked off her bed and it went off.
Mr Ortega asked Ms. Lorente how the gun went off twice.
Ms. Lorente said there was no proof the gun went off twice.
Mr Ortega said we are looking at the police report saying there was two bullet holes.
One of the bullet holes went thru the bedroom wall and lodged itself in the ceiling of the bathroom directly north. The other bullet went into the wall, the slug could never be discovered.
Ms. Lorente said that she never was told about two bullet holes.
Mr. Duskey asked if Ms. Lorente does massage out of her home.
Ms. Lorente said no.

MOTION: Mr. Ortega moved this to a formal hearing.

Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

AG Ms. Campbell addressed the board about creating a consent agreement.
AG Ms. Campbell said Ms. Lorente has conviction in this case.
AG Ms. Campbell said Ms. Lorente has a Class 6 Felony.
AG Ms. Campbell said Ms. Lorente is on probation with this case.
Ms. Bowman said the board acknowledges Ms. Campbell's comments
Ms. Bowman said in the police report there was 4 bullets left of 6 in the gun.
Ms. Bowman said there is not honesty.
Mr. Ortega said there is not honesty.
Ms. Bowman said the board will not consider a consent agreement at this time.
Mr. Duskey said he agrees.
Ms. Bowman said we will see you when the formal hearing is set.

2. Aaron Orrico Case #17-101

Mr. Orrico was not present.
Investigator White read the investigative report.
Investigator White said court action is not yet finished.

MOTION: Mr. Duskey moved this to a formal hearing.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

3. Salvador Salas Case #17-103

Mr. Salas was present.
The complainant, R.G. was present.
Investigator White read the investigative report.
Ms. Bowman asked Mr. Salas if he had any comments.
Mr. Salas said he sent in a formal response.
Mr. Salas said the first visit was June 26th
Mr. Salas said the second visit was July 10th
Mr. Salas said no money was exchanged, she never came over for a massage.
Ms. Bowman asked R. G. if she was employed
R.G. said she was employed as a R.N.
Ms. Bowman asked R. G. to tell the board what happened.
R. G. said Mr. Salas was paid \$120.00 for a massage.
Ms. Pruetz asked R.G. if this happened two times.
R. G. said yes.
R. G. said first time was professional, second time was not.
Mr. Duskey asked did you have sex with Mr. Salas
R. G. said yes she had oral sex with Mr. Salas
Ms. Bowman asked what the reason was that she had oral sex.
R. G. said she didn't know.
Mr. Ortega asked if she had a cancelled check or credit card payment.
R. G. said she paid cash.

MOTION: Ms. Pruetz moved that the board go into executive session.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Nays – 0

Executive Session: 10:06 am – 10:16 am
Regular Session Reconvened 10:16 am

Ms. Bowman asked R.G. what the massage room looked like on the first massage.
R.G. said the massage therapy room is small room to right side of entrance
Ms. Bowman asked how long did the massage last and was it pressure point massage?
R. G. said it was a 1hr massage.
R. G. guess's it was pressure point massage.
Mr. Ortega asked about second massage
R. G. said second massage was going for the same thing. It lasted an hour and half.
Mr. Duskey asked how long did you know Mr. Salas
R. G. said she met Mr. Salas in 2015 at a candle party where he was doing massages, she won a complimentary card for a massage. In 2016 at a facial party, he was doing massages.
R. G. redeemed a coupon for the first massage she had June 26th
Mr. Duskey asked if R.G. was Facebook friends with Mr. Salas prior to the June 26th massage.
R. G. said yes.
Ms. Bowman asked if Mr. Salas used lotion or oil
R. G. answered lotion
Mr Ortega asked if R.G.'s husband filed the complaint.
R. G. said her husband found out while on vacation.
Ms. Pruetz asked if she was worried about her R.N. license
R. G. said she felt threatened, then she looked at code of ethics.
Ms. Bowman asked why would you send messages bantering back and forth with Mr. Salas
R. G. said that happened before 2nd incident
Mr. Duskey asked why would you buy gift for Mr Salas when you are scared of Mr. Salas?
R. G. answered that Mr. Salas had asked for R.G. to pick up something if R.G. thought it was good.
Mr. Duskey said to R. G. that "you are scared of Mr. Salas", so help us understand why you would buy things for him.
Ms. Pruetz asked do you have feelings for him.
R. G. said no.
Ms. Bowman asked Mr. Salas to describe what his massage room is like
Mr. Salas said it is what R. G. has described
Ms. Bowman asked Mr. Salas if he goes to people's homes to do massage
Mr. Salas said he works at two facilities Massage Greenspa and Elements
Mr. Salas said he was doing outcall before but now only doing family at home.
Ms. Pruetz asked why you had R.G. come to your home instead of one of the facilities you work at
Mr. Salas said it was not for massage, it was for sexual engagement. R.G. came with that in mind it was for sexual intercourse.
Ms. Bowman asked if she had received a coupon for a massage at the candle party
Mr. Salas said she did get the card from one of the parties she had been at.
Ms. Bowman asked if R.G. did redeem that coupon.
Mr. Salas said that R. G. states she redeemed that coupon. R.G. gave me the coupon on June 26th. The following week she messaged that she had gotten busted that her husband found out.
Mr. Ortega asked how you could allow yourself to get in this position
Mr. Salas said what position?
Mr. Ortega said of losing your livelihood
Mr. Salas said I didn't see as a massage client, I didn't see her for a massage.
Mr. Ortega stated the fact that you're using your massage business as a cover for what you're doing that's why you're here.
Mr. Salas said I didn't use it as a cover.

Ms. Pruetz asked why would you do it in your massage room if it was nothing to do with massage
Mr. Salas said he don't know how any room in his house would be any different
Ms. Pruetz asked have you read the rules and laws for a massage therapist
Mr. Salas said yes
Mr Duskey stated the first engagement was for sex. Where did the oral sex happen?
Mr. Salas said it happened in both. Both visits was for the same thing.
Ms. Pruetz said Mr. Salas just admitted he is a massage therapist and he had sex in his massage room.
Mr. Duskey Do you understand being a massage therapist you are always a massage therapist.
Mr. Salas I see what you're saying
Mr. Duskey Your integrity follows you.
Mr. Salas I see what you're saying,
Mr. Duskey You're not just bringing just her into the room, your bringing the energy of her husband in there.
Ms. Bowman stated we have to hold ourselves to ethics, morals and standards
Ms. Bowman stated R. G. had a coupon she used for massage.

MOTION: Ms. Pruetz moved an non-disciplinary order of 16hrs CE's for business ethics and communication in addition to the 24hrs of standard CE's required for renewal, to be done onsite, board approved completed by 1/24/2018. The reason was for inappropriate boundaries in a massage practice.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Nays – 0

4. Mathew Buse Case #17-105

Mr. Buse was present.
Atty David Degnan was present
Atty David Degnan provided notice of appearance.
Mr. Duskey recuse himself from this as he knows Mathew Buse
M.M was present
Investigator White read the investigative report.
Ms. Bowman asked Mr. Buse to give explanation of what occurred.
Mr. Buse says he does not know who this is.
Mr. Buse says he denys doing anything wrong, this is because of the draping techniques he uses.
Mr. Buse says he uses full draping technique.
Ms. Bowman Do you keep soap notes on each appointment
Mr. Buse no.
Ms. Bowman asked M.M. whether this was her first appointment
M.M. answered it was first appointment. M.M had a gift certificate for a deep tissue massage on 4/18/2016 at Twisted Tree Health.
Ms. Bowman asked what the facility is like
M.M said it was a small office and Mr. Buse was the only therapist there when she checked in.
Ms. Bowman asked how long was this massage for.
M.M. said 90 min
Ms. Bowman asked how the massage started.
M.M. said it was a normal massage until half way thru the massage.
M.M said she had a sheet over her chest while she was on her back.
M.M. Mr. Buse said that the tightness on her chest was from muscles on M.M's back.
M.M. the sheet slid off and then Mr. Buse massaged her breasts with one hand one at a time.
M.M said this was a sensual massage
M.M felt he had crossed a line when he made it uncomfortable.
Ms. Bowman asked how many massages she had had in her lifetime.
M.M. said this was first one.

M.M. said she has disclosed this to a db caseworker, and a therapist at crisis preparation discovery center.

M.M. said she then disclosed it to the massage therapy board and Licensed Practitioner Counselor

M.M. had asked for a female therapist, Mr. Buse said that the female therapist quit Mr. Buse said he does not do booking appointments, that his wife makes the appointments.

Ms. Buse said she called everyone on books when the female therapist had quit.

MOTION: Ms. Pruetz moved that the case be sent to a formal hearing.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0
Ms. Campbell advised the board Arron Orrico license expires 11/13/2018

Regular Session break: 11:15 am – 11:20 am

Regular Session Reconvened 11:20 am

D. Discussion and Possible Action on Cases Voted to Formal Hearings –Motions to Deem

1. Casey Van Balen Case #17-110

Begin formal hearing:

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Casey Van Balen is present

AG Ms. Campbell made opening statement

Ms. Van Balen had previously agreed to everything Ms. Campbell had discussed before this hearing.

Ms. Bowmann asked AG Mr. Raine since Ms Van Balen has admitted to the allegations can we move to a discussion?

AG Mr. Raine pointed out that Ms. Van Balen will want to make a statement.

Ms. Van Balen was sworn in

Ms. Van Balen made opening statement that she was arrested for extortion and placed in jail for two years for threatening a man that she was involved with in an extra marital affair.

Ms. Bowmann stated it was for a Class 6 undesignated Felony, extortion for asking for money and threat

AG Ms. Campbell provided the conviction documentation and asked it to be admitted into evidence.

Ms. Van Balen responded with complaint documentation to be submitted into evidence.

Ms Pruetz noted Casey was therapist of the year

Mr Duskey asked Casey if she understands what she did.

Ms. Van Balen said it was a dark time

AG Ms. Campbell presented closing arguments

Ms. Van Balen had no closing arguments

MOTION: Mr. Pruetz moved that the board adopt the factual allegations from the complaint and notice of hearing as findings of fact and conclusions of law.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

MOTION: Ms. Pruetz moved that the board adopt factual allegations 1,2,3, as findings of fact.

Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Nays – 0

MOTION: Ms. Pruetz moved to put Ms. Van Balen on probation to run concurrent with her criminal probation, then return to board when criminal probation ends to request probation to end.
Ms. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Ms. Bowman stated the parties have further appeal rights that will be explained in the board order.

1. Natalye Guk Case #17-106

AG Ms. Campbell handed out court documents for a motion to deem to board.
AG Ms. Campbell addressed the board based on Ms. Guk's failure to respond to the complaint and Ms. Guk's failure to appear at the state's formal hearing.
The state requested the board to deem the allegations in the complaint and notice of hearing admitted and then moved directly to a determination of what discipline is appropriate and in line with the violation.

MOTION: Mr. Duskey moved to grant the state's motion to deem the allegations as admitted.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

MOTION: Mr. Duskey moved that the board adopt the factual allegations from the complaint and notice of hearing as findings of fact and conclusions of law.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

MOTION: Ms. Pruetz moved for revocation of the license.
Mr. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Ms. Bowman stated the parties have further appeal rights that will be explained in the board order.

2. Kristopher Anthony Case #17-100

Begin formal hearing:

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Kristopher Anthony was present
AG Ms. Campbell handed out court documents and made opening statement.
Mr. Anthony read a prepared statement.
K. D. was sworn in
AG Ms. Campbell asked if K. D. was traveling in Phoenix in June for work
K. D. was training in Mesa for her job
K. D. looked on the groupon app for the best deal to get a massage and found Relax and Restore massage on Main Street and Mesa
Mr. Anthony greeted K. D. when she arrived
K. D. now recognized Mr. Anthony seated next to AG Ms. Campbell.
At the time of the massage Mr. Anthony asked K.D. what she wanted worked on for the massage.
K.D. stated she wanted her back pain worked on.
Mr. Anthony stated he wanted to look at her posture, so he had K.D. turn around so that he could look at her pelvis area, and said her pelvis was not in the right alignment, and that he needed to work on that area.
AG Ms. Campbell asked K. D. if the 1st massage on June 9th proceeded as she expected.
K.D. said it was as expected.
AG Ms. Campbell asked K. D. if she had massages before from other therapists.
K.D. said yes.
AG Ms. Campbell asked K. D. if this was one time before or several times
K.D. said it is not frequent but she does go on occasion.
K.D. said Mr. Anthony offered her the special price to return again.
AG Ms. Campbell asked K. D. if the 2nd massage on June 9th proceeded as she expected.
K. D. said Mr. Anthony had her stand and he looked at her posture again.
K.D. said it was as expected.
AG Ms. Campbell asked K. D. if the 3rd massage on June 17th proceeded as she expected.
K. D. said Mr. Anthony had her stand and he looked at her posture again. Mr. Anthony was working on other things and he had not worked on her back at all since she had asked for it.
AG Ms. Campbell asked what she was dressed like for the massage
K.D. said she undressed down to her underwear same as she had done before.
While she was being massaged the drape was moved off completely and it was not a massage anymore. She was being groped and Mr. Anthony was caressing her breasts. It was rubbing from top to bottom going over the breast touching the nipples. Her breasts were not draped. Mr. Anthony started working down to pelvis area. Mr. Anthony tucked the drape inside the underwear, working on the outer thigh and working on the inner thigh, his fingers touched the outer part of the vagina, rubbing against it and gradually getting closer and closer to penetrate. It was not pressure, it was being caressed and touched.
AG Ms. Campbell asked whether Mr. Anthony touched K.D.'s Vagina but before penetration whether K. D. stopped him saying "This is way too much".
K.D. said yes.
K. D. said Mr. Anthony stopped then moved to massage her legs.
After the massage K. D. immediately went to the police station and filed a complaint. The investigator had asked K.D. to call Mr. Anthony to try to get in contact. K.D. left a voicemail requesting callback.
Mr. Anthony called back about 2 hours later. K.D. returned to the police station to record the conversation.
AG Ms. Campbell asked what was said when she called him back from the police station.
K.D. said to Mr. Anthony that she was freaked out about what happened, she asked why Mr. Anthony touched her breasts and what made it all right to put his hand on her vagina and why he would do that. Mr. Anthony had said that had never happened before and he

would take back what happened if he could. Mr. Anthony promised he would not touch her vagina or breasts if she came back for a 4th visit.

K.D. made a complaint to the massage board of what happened on the 3rd visit because she received a notice in the mail from the police that they would not be proceeding with the case that she had filed with them because there was no reasonable evidence to convict Mr. Anthony.

Exhibits 2 and 3, which were offered into evidence, were admitted.

AG Ms. Campbell asked K.D. why was action sought to have Mr. Anthony's license revoked

K. D. said he wasn't sincere when he answered her on the phone with the detective.

Mr. Anthony said he got mixed signals.

K. D. said this can't be forgiven.

Ms. Bowman asked if Mr. Anthony wanted to cross examine the witness.

Mr. Anthony said no.

Mr. Anthony was sworn in

Mr. Anthony read prepared statement.

Mr. Duskey asked what the first adductor longus origin is

Mr. Anthony said pubis near the pubic synthesis

Mr. Duskey asked how near

Mr. Anthony said very near, on it.

Mr. Duskey asked what else is right there

Mr. Anthony said Vagina

Mr. Duskey did you say that during the police report that you wouldn't do that again

Mr. Anthony said I don't recall saying that. I agreed to portions of the statement by agreeing to the entire statement. Clients have emotional responses to a massage.

Mr. Anthony said he got mixed signals since she didn't say anything during the massage.

Mr. Ortega asked that the police phone conversation when Mr Anthony apologized for touching vagina and breasts if it was not correct?

Mr. Anthony said they were taken out of context.

Mr. Duskey asked if the sheet was ever fixed

Mr. Anthony said he adjusted the draping

Ms. Pruetz asked if Mr. Anthony touched her breasts

Mr. Anthony said he never touched with any sexual intent.

Mr. Duskey asked did you touch areola

Mr. Anthony said no

Mr. Duskey quoted "If there was any contact made it was unintentional"

Mr. Anthony said at the time she moved she bucked her hips and moved.

Mr. Duskey asked did you ask permission before you touched there

Mr. Anthony said no

Mr. Anthony said that he can't say for certain what was touched at the time.

Mr. Duskey asked why there was not the communication on this 3rd visit

Mr. Anthony said the area was covered before the massage.

Mr. Anthony said K.D. was quiet that day

Ms. Bowman pointed out there are boundary lines and we don't go there

AG Ms. Campbell asked K.D. if Mr. Anthony told her what kind of massage was planned for 3rd visit.

K.D. said work on the muscles of upper chest that needed work.

AG Ms. Campbell asked K.D. whether Mr. Anthony ever said he was going to massage her inner thigh

K.D. said No

AG Ms. Campbell asked K.D. whether Mr. Anthony asked whether it was ok to massage up high on her inner thigh

K.D. said No

AG Ms. Campbell asked whether her nipples touched while Mr. Anthony was rubbing her breasts top to bottom

K.D. said Yes

AG Ms. Campbell asked when she made her confrontation call from the police station whether the investigator made her use certain words. "Breast" "Vagina"

K.D. said Yes

AG Ms. Campbell stated that K.D. was very clear

K.D. said Yes
 AG Ms. Campbell stated whether she asked Mr. Anthony what made him think it was alright for him to touch your breasts and vagina
 K.D. said Mr. Anthony told her he had mixed signals, that this was not his normal practice, that he does not touch vagina or breasts like that.
 AG Ms. Campbell asked that looking at the police report, the last two paragraphs are consistent with what Mr. Anthony said
 K.D. said Yes
 AG Ms. Campbell asked are these consistent with the context of the conversation
 K.D. Said Yes
 AG Ms. Campbell asked when Mr. Anthony was working high on the thigh and touched your vagina, was there a drape there.
 K.D. said originally yes the drape was tucked into my underwear, then it was removed and my underwear was moved to the side. Mr. Anthony started caressing my labia. Mr. Anthony moved closer and closer and closer to almost penetrating my vagina, that was when I told him it was way too much.
 AG Ms. Campbell asked was this a one off touch?
 K.D. said no this progressed for one or two minutes from inner thigh to labia to vagina
 AG Ms. Campbell asked K.D. did you buck your hips?
 K.D. said she bucked her hips and moved out of the way.
 Ms. Bowman asked Mr. Anthony if he had anything he would like to say.
 Mr. Anthony said no, other than he takes his job seriously with the highest level of professionalism.
 Ms. Bowman asked K.D. when he was touching your breast where was he standing or sitting.
 K.D. said it was very clear she was exposed, during the time her breasts was exposed that Mr. Anthony never did attempt to cover her back up.
 Ms. Pruetz asked Mr. Anthony what he hoped to learn from this experience
 Mr. Anthony responded with setting up boundaries, draping techniques, open communication with clients, always check with client before working on area.
 AG Ms. Campbell presented closing arguments
 Mr. Anthony did not present any closing arguments.

MOTION: Ms. Pruetz moved that the board adopt the factual allegations from the complaint and notice of hearing as findings of fact.
 Mr. Duskey seconded the motion.

VOTE: Ayes – 4
 Nays – 0

MOTION: Ms. Pruetz moved that the board makes the alleged violations from the conclusions of law in paragraph 1 thru 9 on pages,6,7 as the board’s conclusions of law.
 Mr. Ortega seconded the motion.

VOTE: Ayes – 4
 Nays – 0

Mr. Ortega stated violations had occurred
 Mr. Duskey noticed there was acknowledgement but denial as well.
 Ms. Bowman noted that Mr. Anthony tested what he could get away with. K.D. was willing to go to the police and confront what had happened.
 Ms Bowman stated K.D. asked what made Mr. Anthony think it was all right for him to put his hand on her vagina,
 Ms Bowman stated Mr. Anthony again apologized and said that if he could take back what happened today he would.
 Ms Bowman stated that is an admission of guilt and Mr. Anthony said that there was no good reason for today.
 Ms. Pruetz noted that it was her 3rd and final time being there and take from that what you think.

Mr. Duskey said he has trouble with mixed signals. You always ask for boundaries. Remember the four finger rule that you always stay four fingers away as boundary.
Ms. Bowman said you can have the client take their hand and place it as a boundary.
Mr. Duskey said the definition of sexual conduct is touching
Ms. Bowman noted that Mr. Anthony said K.D. jumped and caused him to go too far in.
Ms. Bowman noted that K.D. said that she had jumped because he was in an inappropriate place.

MOTION: Mr. Duskey moved to revoke license.
Ms. Pruetz seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Ms. Bowman stated the parties have further appeal rights that will be explained in the board order.

E. Discussion, Consideration and Possible Action on Application Reviews

1. Josephine Thomason Case #17-113

Ms. Thomason was present.
Investigator White read the investigative report.
Ms. Bowman asked Ms. Thomason to explain her position.
Ms. Thomason says she did not put in her wrong social security number and does not know how it got in there.
Ms. Bowman asked Mr. White how the two numbers differ.
Mr. White said they differ by one number.
Mr. White said your social security number is in our system which means you cannot use that number again. Ms. Thomason put in a different number that will cause credit fraud, identification problems for years to come. It is a federal offense. Mr. White created a police report to cover this.
Mr. Ortega asked why did you get a new application
Ms. Thomason said the new application would come up
Mr. Ortega asked did the idea of calling the office come up?
Ms. Thomason said now that this has happened.
Ms. Pruetz asked why did you go in there again
Ms. Thomason said she had to fill out something.
Ms. Bowman asked when this happened and how close to your renewal date
Ms. Thomason said it was before Christmas and her renewal date is Jan 28th.
Ms. Bowman stated you had a month
Ms. Thomason said she got email from the board and has now sent the renewal in.
Mr. Ortega noted Ms. Thomason has had license since 2006, so why did you have problem renewing license this time.
Ms. Thomason said she doesn't know.
Ms. Pruetz asked how much did you pay?
Ms. Thomason \$200.00 for initial
Mr. Wilcox \$219.50 to the social security number that is not hers, she paid for somebody else, pretending to be somebody else.
Ms. Bowman are you practicing massage right now?
Ms. Thomason Yes
AG Ms. Campbell stated she made a timely renewal, her license continues until the board acts on it.
Mr. Duskey asks did you pay with the renewal you sent in.
Ms. Thomason answers that she sent a note

Ms. Bowman states the money was paid online to a social security number that isn't yours.

You are asking it to be used on a renewal you sent in without payment.

AG Ms. Campbell thinks that it was a typo not intent to defraud.

Ms. Pruetz asked if she would have to pay again

AG Ms. Campbell is not sure the board has a license with other Social Security number and has it been processed.

Ms. Phillips said we will have to refund. She has to fill out another one. Was this a typo or did you intentionally change number to get it filled out?

Mr. Ortega What advantage is there in her doing this way?

Ms. Phillips stated she thinks she couldn't get it to work and that is why it was done that way

Mr. Duskey stated why would someone pay \$200 for a \$95 application fee

Mr. White stated when you put your card in there it takes out \$219 automatically, you cannot put in how much it will take out.

Ms. Bowman asked what continuing education classes have you done the last 2 years

Ms. Thomason 8 hrs of biodynamic touch, several energy work classes that are not board approved. I have done lots of continuing education, it was not fraudulent in any way.

Ms. Phillips stated Ms. Thomason sent an email on December 24th that said:

I was attempting to renew my license, this was the only form your website would give me for that. I knew it was not right but did not find any other option.

Mr. Ortega stated that she knew how to do it correctly was his point before.

Ms. Thomason stated she would pay again to renew her license

Ms. Bowman asked Ms. Thomason what she has learned from this.

Ms. Thomason stated to be mindful when filling out forms.

Ms. Bowman asked what have you learned sitting in the board meeting today?

Ms. Thomason answered don't have sex with your clients.

Ms. Pruetz stated follow the rules.

Mr. Duskey stated now it has trickle effect

Ms. Phillips stated it could make us way off on totals for the budget this next year.

Ms. Pruetz suggested we do a non-disciplinary order and she needs to pay for renewal with continuing education classes.

Ms. Phillips stated refund is as if she has never paid.

Ms. Bowman stated 8 hours ethics and 4 hours business practices because this is a federal offense

Ms. Pruetz suggested we do a non-disciplinary order of 12 hours continuing education of ethics and business practice, in classroom, board approved, within 6 months in addition to renewal continuing education classes.

MOTION: Ms. Pruetz moved to do a non-disciplinary order of 12 hours continuing education of ethics and business practice, in classroom, board approved, within 6 months in addition to renewal continuing education classes.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

MOTION: Ms. Pruetz moved to renew the application subject to payment
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

2. A. Cantu-Gonzalez Case #17-114
Mr. Alex Cantu was present.

Investigator White read the investigative report.
Ms. Bowman asked Mr. Alex Cantu to explain.
Mr. Alex Cantu said he could not find his school on the application, so he picked another one.
Mr. Duskey confirmed that Mr. Alex Cantu put a school in that he had never attended
Mr. Alex Cantu confirmed he put in a school he had never attended
Ms. Phillips confirmed the school he went to was not a recognized school.
Ms. Phillips noted during this time the school has now been recognized and now is on our accepted school list
Ms. Phillips noted Mr. Alex Cantu should have looked at our school list on our website and saw it was not recognized and called us.
Mr. Duskey asked if Mr. Alex Cantu had thought about not completing the application
Mr. Alex Cantu said he just wanted to get it done.
Ms. Bowman asked if Mr. Alex Cantu had done MBLEx
Ms. Phillips stated we get the scores from MBLEx.

MOTION: Ms. Bowman moved to do a consent agreement for 6 months to complete 12 hrs in ethics and business practices, onsite, board approved.
Mr. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

F. Discussion, Consideration and Possible Action on Consent Agreements

3. Kenneth Adams Case #17-104

AG Ms. Campbell handed out court documents for a consent agreement to board.

MOTION: Ms. Pruetz moved to accept consent agreement for Kenneth Adams
Mr. Ortega seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Mr. Ortega – Aye
Ms. Bowmann – Aye

Ms. Bowman authorizes Ms. Phillips to sign consent agreement.

2. Administrative Matters

A. Ms. Phillips gave the status report about licenses as follows:

Active: 10,246
Denied: 32
Pending: 156
Voluntarily Surrendered: 19
Revoked: 67
Closed – App withdrawn and failed to complete: 608

B. Election of Officers

MOTION: Ms. Pruetz moved to elect Mr. Earle Duskey LMT as Chair and elect Ms. Victoria Bowmann, LMT as Vice-Chair
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

Elected Mr. Earle Duskey LMT as Chair
Elected Ms. Victoria Bowmann, LMT as Vice-Chair

C. Board update, backpage, legislation, budget, Executive Order concerning rules

Ms. Phillips addressed the Board about:

1. Legislation, moving to another building, resignation, CE committee meeting status and on-line renewals.

D. Federation update – January 20, 2017 letter from the Federation notifying of litigation to protect integrity of MBLEx

1. Mr. Duskey gave Federation update.

MOTION: Ms. Pruetz moved to adjournment
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Nays – 0

ADJOURNMENT

Next Board Meeting Date: April 24, 2017