



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

September 26, 2016 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 9:46 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
 Diane Pruetz, Public Member
 John Ortega, Public Member until (11:54 am)

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

Assistant Attorney General: Elizabeth Campbell
 Independent Advisor: Bridget Harrington
 Board Staff present: Kathleen Phillips, Executive Director
 Andrew White, Investigator
 Deanna Velasquez, Licensing Administrator

Breaks: 10:17 am - 10:29 am
 10:59 am – 11:03 am
 12:26 pm – 12:33 pm

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. **July 25, 2016** Board meeting minutes

B. Approval of 231 Massage Therapy License Applications (completed between 7/16/16 and 9/16/16)

Victoria	Acuna
Ava	Adams
Veronica	Adams

Adrianna	Allende
Victoria	Alonge
Bryan	Banda

Chad	Barnett
Mikayla	Baugh
Christopher	Beck

Diane	Behling
Taylor	Bernat
Grace	Bertsch
Mikyung	Betker
Esther	Bonds
Arlene	Borbon
Nanci	Brady
Shelby	Brekke
Aaron	Bronow
Barbara	Bruehler
Rashel	Buchanan
Amber	Burton
Maggie	Byford
Jendaya	Byrd
Brian	Cahill
Patti	Cameron
Amanda	Carrasco
Chloe	Cave
Li	Chen
Darla	Chessmore
Lanmei	Chi
Tammy	Childs
Veronica	Clay
Vincent	Clements
Catherine	Collins
Lisa	Conroy
Christopher	Cordero-Torres
Amanda	Cotton
Minerva	Cox
Hui	Cui
Angela	Cummings
Anna	Curtis
Savannah	Davis
Rita	Deshong
Alexandra	Dewald
Yessenia	Dominguez Moreno
Marisol	Doyle
Erika	Duarte
Alisha	Dumont
Shannon	Dunlap

Kevin	Edwards
Ameyo	Ehon
David	Epstein
Marcella	Estrada
Judith	Evans
Sean	Finkel
Noel	Ford
Layton	Forsgren
Angela	Frain
Camrie	Francisco
Gretchen	Gamel
Rhonda	Gault
Josie	Gilles
Miranda	Goyer
David	Graham
Priscilla	Granados
Vanessa	Guss
Marjorie	Gustin
Malcolm	Gwilliam
Nicole	Hager
Shirley	Hall
Shauna	Hansen
Megan	Harrington
Nicola	Hazen
Leslie	Hellman
Brenda	Henson
Dana	Hewitt
Travis	Hill
Cameron	Hodges
Alexandra	Holecek
Hanna	Hoover
Thereasa	Huff
Holly	Indigo
Colin	Jasper
Qiufeng	Jin
Eric	Johnson
LaWanda	Jones
Rosanne	Jones
Kassidy	Karch
Celeste	Kaufman
Earl	King

Kimberly	Koh
Lisa	LaBelle
Elliot	Lader
Kevin	Lanoue
Rayonna	Lash
Austin	Lawrence
Sharne	Leal
Ying	Lin
Maressa	Lister
Christina	Lynch
Teressa	Mack
Josephine	Malayter
Andrew	McCormack
Diana	McCoy
Jose	Melendez
Sergei	Mendez
Kristen	Meyer
Denise	Meyers
Alexandra	Meza-Reyes
Othon	Molina
Brian	Monette
Jana	Moreno
Jon	Morgan
Celeena	Murphy
Erika	Netzband
Quyen	Nguyen
Austin	Oden
Karen	Orphey
Joanna	Osuna
Roman	Padilla
Mary	Palasi
Theresa	Perino
Sarah	Perzan
Christina	Pope
Maria	Psikogios
Ines	Purdy
Kenneth	Reader
Dulce	Rico-Ruiz
Rosa	Rocha-Medrano
Heather	Romero
Maria	Romero

Marilyn	Rosen
Molly	Ruprecht
Mei Ling	Sanders
Connie	Sardelis
Lori	Schagel
Malinda	Seagraves
Alissa	Shaffer
Zackery	<u>Shealey</u>
Xiaodong	Shi
Jacquelyn	Snyder
Julia	St John

Aleisha	Stone
Laurence	Stone
Arlene	Storie
Guo Qing	Sun
Elizabeth	Talev
Jingxuan	Tian
Joy	Torres
Nina	Trabona
Carissa	Trotter
Jeremiah	Tsosie
Kimberly	Vonhagen

Ning	Wang
Olivia	Wanzo
Molly	Weber
Autumn	Weiss
Denali	Weyer
Zachary	Wine
Ana	Yanez-Sanchez
Kaiqing	Yang
Qiao Ling	<u>Zhao</u>
Jing	Zhu

C. Approval of Massage Therapy Schools

TX	Central Texas College		6200 W Ctrl TX Express	Killen
UT	Zion Massage College	1/4/13 – 6/24/17	567 Valley View Dr #4	St George
TX	Asia – Pacific Massage Institute		10652 Westheimer	Houston

4. Discussion, Consideration and Possible Action on Regulatory Matters

A. Discussion, Consideration and Possible Action on Investigative Reviews

1. Frank Lozano Case #16-129

Mr. Lozano was not present

Investigator White addressed the Board and read the investigative report.

Investigator White stated that the MT complainant was out of state and a conference call needed to take place.

The Board could not reach MT.

MOTION: Ms. Pruetz moved Case # 16-129 to a formal hearing.
Ms. Bowman seconded the motion.

VOTE: Ayes – 4
Nays – 0

2. Derek Fringer Case #16-124

Mr. Fringer was not present.

Investigator White addressed the Board and read the investigative report

.Kathleen Phillips stated CS lived out of state.

MOTION: Mr. Duskey moved case # 16-124 to a formal hearing.
Ms. Pruetz seconded the motion.

VOTE: Ayes – 4
Nays – 0

3. ShiPing Peterson Case #17-102

Ms. Peterson was present.

Investigator White addressed the Board and read the investigative report

The Board continued the investigation review to the next meeting to allow Ms. Peterson to obtain an interpreter.

MOTION: Ms. Pruetz moved to continue the case to the next Board meeting.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

4. **Stevem Tolnai** Case #16-126

Mr. Steven Tolnai was present with attorney Matthew Anderson.
Detective Scott Carpenter was also present.
Complainant MN was present.
Investigator White addressed the Board and read the investigative report
Detective SC addressed the Board by giving testimony.
Mr. Tolnai gave his testimony.
Mr. Duskey addressed Mr. Tolnai.
Mr. Tolnai addressed the Board and furthered explained the procedure for Rotator Cuff Dysfunction.
The Board addressed MN to give his testimony.
MN gave his testimony to the Board.
Mr. Duskey questioned MN regarding his knee.
MN stated he had an MRI.
Mr. Ortega addressed the Board about no evidence being given.
Ms. Pruetz questioned procedure.
The Board addressed Mr. Tolnai regarding his employment.
Mr. Tolnai addressed the Board.
The Board questioned MN regarding his treatment or treatments.
The Board addressed Mr. Duskey.
Mr. Duskey stated to the Board that he had the same experience, and so his conclusion was that there were too many variables.
Ms. Pruetz addressed the Board.
Mr. Ortega stated to the Board that he also once experienced a knee injury.
The Board addressed Mr. Ortega and asked what his conclusion was.
Mr. Ortega stated to the Board that there was lack of evidence to support the complaint.

MOTION: Ms. Pruetz made a motion to dismiss case # 17-107.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

5. **Marcos Castillo** Case #17-107

Mr. Castillo was present.
Investigator White addressed the Board and read the investigative report.
The Board addressed Mr. White regarding why the complainant, MN, was not going to press charges.
Mr. White addressed the Board.
AG Ms. Campbell explained jurisdiction over the case.
Mr. Castillo gave his testimony.
The Board questioned MN on how the completion of the procedure went.
MN gave his statement of how the completion of the procedure went
Ms. Pruetz questioned Mr. Castillo on his performance.
Ms. Pruetz stated to the Board that the case was a she said, he said.

MOTION: Ms. Pruetz made a motion to dismiss case # 17-107.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

B. Discussion and Possible Action on Release from Probation

1. **Kivi Byrne** Case # 16-134

Ms. Byrne was present.
Investigator White addressed the Board indicating a release of probation.

Exe Director of MT Ms Phillips addressed the Board regarding the completion of probation document.
The Board addressed Ms. Byrne who provided information about her presentation to a school.

MOTION: Ms. Pruetz made a motion to release Ms. Byrne from Probation.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Nays – 0

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

1. **Wen Ding** Case #16-123
Ms. Ding was present.
AG Ms. Campbell stated the case had been continued twice and read requirements regarding an interpreter.
The Board performed Roll Call.

ROLL CALL:

Ms. Pruetz – Aye
Mr. Ortega – Aye
Mr. Duskey – Aye
Ms. Bowmann – Aye

Detective Brian Amrine identified himself
The Board read the alleged allegations and violations.
Ms. Ding identified herself, and stated she did not have an attorney.
The Board addressed Ms. Ding, read the investigation report, and Ms. Ding waived the right to an attorney.
The Board asked Ms. Ding if she understood what was read.
AG Ms. Harrington addressed the Board about the requirements for appeal.
The Board addressed Ms. Ding that she could appeal at a later time.
AG Ms. Harrington addressed the Board of the complaint.
The Board stated, that it would hear all evidence of this case.
AG Ms. Campbell addressed the Board with her opening statement.
The Board addressed Ms. Ding and asked if she wished to give an opening statement
Ms. Ding stated no she did not.
AG Ms. Campbell called the State's first witness Detective Amrine.
The court reporter swore in Detective Amrine.
Detective Amrine gave his testimony.
AG Ms. Campbell asked Detective Amrine, if he saw Ms. Ding in the room.
Detective Amrine stated yes.
AG Ms. Campbell began cross examining Detective Amrine.
The Board questioned Detective Amrine about the amount of money he had with him.
The Board questioned Ms. Ding in regards to the case.
Ms. Ding addressed the Board in stating she did not touch Detective Amrine.
Ms. Pruetz questioned Ms. Ding about taking off her shoes.
Ms. Ding stated to Ms. Pruetz that she took off her shoes because it made work easy.
AG Ms. Campbell further cross examined the witness.
The Board asked Ms. Ding if she would like to give her testimony, but Ms. Ding stated she did not have an attorney.
The Board stated to Ms. Ding that she could appeal at a later time and that the proceedings must go on.
AG Ms. Campbell addressed the Board with closing statement.
The Board addressed Ms. Ding in asking if she had a closing statement.
Ms. Ding stated she did not.

MOTION: Ms. Pruetz moved to adopt the factional allegation as findings of facts.
Mr. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Ortega – Aye
Mr. Duskey – Aye
Ms. Bowmann – Aye
Nays – 0

MOTION: Ms. Pruetz moved to adopt the alleged violations as conclusions of law.
Mr. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Ortega – Aye
Mr. Duskey – Aye
Ms. Bowmann – Aye
Nays – 0

MOTION: Mr. Duskey made a motion to revoke the license.
Mr. Ortega seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Ortega – Aye
Mr. Duskey – Aye
Ms. Bowmann – Aye
Nays – 0

ROLL CALL:

Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Mr. Ortega – Nay

2. Hong Williams Case # 16-122

Ms. Hong Williams was present
Detective Scott Carpenter was present
The Board read the alleged allegations and violations.
The Board asked Ms. Williams if she had an attorney.
Ms. Williams stated she wanted to surrender her license.
AG Ms. Campbell addressed the Board regarding surrender of license.
The Board addressed Ms. Williams about waiving her right to counsel, but stated she can appeal. The Board stated jurisdiction applies over Ms. Williams expired license.
AG Ms. Campbell gave an opening statement to the Board.
The Board asked if Ms. Williams had an opening statement.
Ms. Williams stated she did not.
The Board addressed AG Ms. Campbell to call first witness.
AG Ms. Campbell called Detective Carpenter to give opening remarks, and questions.
The Board asked Ms. Williams to give her opening remarks.
Ms. Williams proceeded to give her opening remarks.
AG Ms. Campbell addressed the Board in giving her closing statement.
Ms. Williams addressed the Board with her closing statement.
The Board discussed the findings of fact on page 4 and 5 of paragraph 1-8 of the complaint and notice of hearing.

MOTION: Mr. Duskey moved to adopt factual allegations as findings of fact.
Ms. Pruetz seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

MOTION: Ms. Pruetz moved to adopt the alleged violations as conclusions of law.
Mr. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

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

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

3. **Gabriel Houseal** Case # 16-111
Mr. Gabriel Houseal was present.

Roll Call: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye

The Board asked AG Ms. Campbell to identify herself.
The Board asked Mr. Houseal to identify himself.
The Board stated that Mr. Houseal could appeal and asked whether Mr. Houseal wished to proceed with the hearing.
Mr. Houseal stated yes to the Board.
AG Ms. Campbell addressed the issue of not being able to contact LM.
Investigator White stated LM lived out of town.
AG Ms. Harrington suggested that the Board go into Executive Session.

MOTION: The Board moved the hearing into Executive Session.
Ms. Pruetz seconded the motion.

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

Executive Session: 2:15 pm – 2:30 pm
Regular Session Reconvened 2:30 pm

The Board reconvened at 2:30.
The Board read the alleged allegations and violations.
LM was being connected to the board meeting.
The Board continued to read the alleged allegations and violations.
The Board asked AG Ms. Campbell if she wished to make an opening statement.
AG Ms. Campbell gave her opening statement.
The Board asked Mr. Houseal if he wished to make an opening statement.
Mr. Houseal waived giving his opening statement.
The Board asked AG Ms. Campbell to call her first witness.
AG Ms. Campbell called LM as first witness.
The Board asked Mr. Houseal if there was 3 documents, and whether he wished to include them as exhibits A, B, and C.
LM was dismissed by the Board from the conference call.
AG Ms. Campbell presented closing arguments.
Mr. Duskey gave his comments to the Board.

MOTION: Ms. Pruetz moved to adopt the factual allegations as findings of fact.
Ms. Bowman seconded the motion

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

MOTION: Ms. Pruetz moved to adopt the alleged violation in paragraph 1, 3 and 6 as conclusions of law.
Mr. Duskey seconded the motion

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

MOTION: Ms. Bowman moved the following order be adopted by the Board: Mr. Houseal will be put on 12 Months of Probation and 15 hours of continuing education required to be completed in class, and pre-approved by staff. CE's must be in Ethics, Communication, and Professional Business Practices, and Techniques. Mr. Houseal must appear before the Board to request release from probation.
Ms. Pruetz seconded the motion

ROLL CALL VOTE: Ms. Pruetz – Aye
Mr. Duskey – Aye
Ms. Bowman – Aye
Nays – 0

5. Administrative Matters

A. Massage license status report

Active: 10,097
Denied: 32
Pending: 251
Voluntarily Surrendered: 19
Revoked: 61
Closed – App withdrawn and failed to complete: 550

B. Discussion, Consideration and Possible Action on Administrative Matters and Legislative Update

3. Action on delegate for the Federation.
The Board nominated Earl Duskey, Ms. Pruetz seconded the nomination. The motion passed 3 Ayes, 0 Nays.
2. Federation update.
Mr. Duskey mentioned the Federation is getting prepared for the annual meeting.
Ms. Phillips mentioned that one of the discussions will be Energy Work
1. Board update, including legislation, moving to another building, Reflexology CE issues, Fusion, Budget, Azips and CE committee meeting status.
Ms. Phillips mentioned that a lot of people are taking reflexology and this is a big issue. Statutes may need to be looked at and possibly rewritten. Ms. Phillips included the budget in the Board packets for their review.
Ms. Phillips stated the CE Committee Meeting will not take place due to the fact that the Federation will be meeting and discussing Continuing Education at its annual meeting.

Ms. Phillips also mentioned that the Board may be moving in May or June of 2017 and staff may be reduced. Massage Therapy could be put in the Health Care category. Ms. Phillips is uncertain about how the hearings will be conducted after the move. At this point 12 Boards will be moving.

ADJOURNMENT: The meeting was adjourned at 2:30 PM.
The next scheduled Board Meeting is December 5, 2016.