



Douglas A. Ducey  
Governor

# Arizona State Board of Massage Therapy

*"Protecting the Public's Health"*

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**Earl E. Duskey LMT, Chair ~ Victoria Bowman LMT, Vice Chair**  
**Board Member Bill Beard**  
**Board Member Mlee Clark, LMT**  
**Board Member John Ortega**

## NOTICE OF MEETING OF THE ARIZONA STATE BOARD OF MASSAGE THERAPY

Pursuant to Arizona Revised Statute ("A.R.S") § 38-431.02, notice is hereby given to the members of the Arizona State Board of Massage Therapy ("Board") and to the general public that the Board will hold a meeting open to the public on **Monday, March 25, 2019, at 9:30 a.m.** The meeting will be held in **Boardroom C** located at 1740 West Adams Street, Phoenix, Arizona 85007. [One or more members, of the Board, may participate in the meeting by telephonic communications].

The meeting is open to the public. However, during the course of the meeting, the Board, upon a majority vote of a quorum of the members, may, when necessary, hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) as indicated on the Board's Agenda. The executive session is not open to the public.

Information concerning the Board's Agenda, including a copy of the Agenda and any amendments, can be obtained at the Board's office, through the Board's website at <https://massagetherapy.az.gov/board-meetings> or by calling the Board's office at 602.542.8604. The Agenda is subject to change up to 24 hours prior to the meeting. Agenda items are noted by number and letter for convenience and reference. The Board may address the agenda items in any order within the time frame indicated and may set over matters to a later time when necessary. The Board reserves the right to change the order of the agenda items, except for matters set for a specific time.

Title 2 of the Americans with Disabilities Act prohibits the Board from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Board staff at 602.542.8604. Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE BOARD OF MASSAGE THERAPY

Posted: March 15, 2019

<https://massagetherapy.az.gov/board-meetings>

<https://publicmeetings.az.gov/arizona-public-meetings>

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## **March 25, 2019** **Board Meeting Agenda**

**NOTE:** The Arizona State Board of Massage Therapy Chair reserves the right to change the order of items published on the agenda, except for public hearings set for a specific time.

During the Board meeting and upon a vote of the majority of a quorum, the Board may go into executive session to obtain legal advice from the Board's attorney(s) pursuant to Arizona Revised Statute ("A.R.S.") § 38-431.03(A)(3) on any items listed on the agenda. All meeting attendees whose presence is not required in an executive session can remain in the board meeting room when the Board withdraws to chambers for an executive session. Any and all legal action will only take place in open session.

### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. CALL TO THE PUBLIC**

Pursuant to A.R.S. § 38-431.01(H), the Board may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. However, members of the Board are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. The Board, however, may ask staff to review a matter or may ask that a matter be put on a future agenda. (*Information detailing the "Call to the Public" is provided for attendees at the rear of the Board room, as well as copies of the Board agenda*).

### **IV. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503**

**V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

- A. Discussion and approval of the Open Session Minutes from the January 28, 2019 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the January 28, 2019 board meeting.

**VI. PRESENTATION TO BOARD**

- A. Andrew White, Senior Criminal Investigator to offer a briefing on incoming office activity on licensee incident complaints, trends and follow-up.
- B. Michael Raine, A.A.G. to share proposed changes in adjudication procedures.

**VI. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

Upon a vote of the majority of a quorum, the Board may go into executive session, pursuant to A.R.S. § 38-431.03(A)(2) to discuss or consider records exempt, by law, from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

- A. Investigation File(s) Recommended for Summary Suspension  
Board to review, discuss and take possible emergency action against a license pursuant to A.R.S. § 32-4254(B) on the following investigation files:
  - 1. File No. 19-147; Cherry, Caleb
- B. Investigation File(s)  
Board to review, discuss and take possible action on investigation files.
  - 1. File No. 19-145; Kamae, Christopher
  - 2. File No. 19-148; Esposito, Joseph
  - 3. File No. 19-149; Johnston, Susan
- C. License Application(s) for Arizona Massage Therapy License(s)  
Board to review and discuss the license applications pursuant to A.R.S. §§ 32-4222 & 32-4223 and A.A.C. R4-15-201 & R4-15-203, and may vote to take action on the following applicants:
  - 1. Fox, April
  - 2. Rodgers, Tiara
- D. Unlawful Use of the Massage Therapy Designation and/or Unlawful Practice  
Board to review and discuss the documents and materials received pursuant to A.R.S. §§ 32-4252 and 32-4255, and may vote to take action on the following matters:
  - 1. File No. 19-131; Cole, Terra
  - 2. File No. 19-132; Batista, Mark
  - 3. File No. 19-140; Berenholtz, Jim
  - 4. File No. 19-144; Noelle, Nicole

**VII. EXECUTIVE DIRECTOR'S REPORT**

Executive Director to provide an update and/or summary on the following items: the listed items are subject to Board discussion and may result in action by the Board.

- A. Budget Update
- B. Agency Operations

**VIII. SUMMARY OF CURRENT EVENTS**

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

**IX. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE BOARD AGENDAS**

**X. NEXT BOARD MEETING DATE**

- A. Monday, April 29, 2019

**XI. ADJOURNMENT**