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2  
3 **BEFORE THE ARIZONA BOARD**  
4 **OF MASSAGE THERAPY EXAMINERS**  
5

6 In the Matter of

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8 **MATTHEW BRIAN ARGENTINO, LMT** Board Case No. 19-151  
9

10 Holder of License No. MT-24062

11 As a Massage Therapist

12 In the State of Arizona  
13  
14  
15

**CONSENT AGREEMENT**

**(Probation)**  
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17 In the interest of a prompt and judicious settlement of this case, consistent with the  
18 public interest, statutory requirements and the responsibilities of the Arizona State Board  
19 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Matthew Brian  
20 Argentino ("Respondent"), holder of Massage Therapist License Number MT-24062 in  
21 the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,  
22 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this  
23 matter.

24 **RECITALS**

25 1. Respondent has read and understands this Consent Agreement and has had  
26 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that Respondent has a right to a public  
administrative hearing concerning this matter, at which hearing Respondent could present  
evidence and cross examine witnesses. By entering into this Consent Agreement,  
Respondent knowingly and voluntarily relinquishes all right to such an administrative  
hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
any other administrative and/or judicial action, concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be  
irrevocable.

4. Respondent understands that this Consent Agreement or any part of the  
agreement may be considered in any future disciplinary action by the Board against  
Respondent.

5. Respondent understands this Consent Agreement deals with Board case  
number 19-151 involving allegations that Respondent engaged in conduct that would  
subject Respondent to discipline under the Board's statutes and rules. The investigation  
into these allegations against Respondent shall be concluded upon the Board's adoption  
of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a  
dismissal or resolution of any other matters currently pending before the Board, if any,  
and does not constitute any waiver, express or implied, of the Board's statutory authority  
or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement  
does not preclude any other agency, subdivision, or officer of this State from instituting  
any other civil or criminal proceedings with respect to the conduct that is the subject of  
this Consent Agreement.

8. Respondent acknowledges and agrees that, upon signing this Consent  
Agreement and returning this document to the Board's Executive Director, Respondent  
may not revoke Respondent's acceptance of the Consent Agreement or make any  
modifications to the document regardless of whether the Consent Agreement has been  
signed by the Executive Director. Any modification to this original document is  
ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is effective only when signed by the Executive

Director on behalf of the Board.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank or other such databases.

12. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY RESPONDENT

  
Matthew Brian Argentino

Dated: 6/3/2019

### FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of Massage Therapy in the State of Arizona.

2. Respondent is the holder of license number MT-24062 to practice as a Massage Therapist in the State of Arizona.

3. On October 9, 2018, Respondent was arrested and charged with aggravated DUI in Maricopa County, Arizona, a class four felony.

4. On February 21, 2019, Respondent was convicted pursuant to a guilty plea to the above charge and sentenced to four months of incarceration followed by three years of supervised probation during which Respondent must abstain from consuming alcohol.

5. Respondent did not notify the Board within ten days of either his arrest or conviction.

### CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*

2. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(1) ("Failing to meet or maintain the requirements for an original license under section 32-4222, subsection A..").

3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(3) ("Using drugs or intoxicating liquors to an extent that affects professional competency.").

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(4) ("Being convicted of a felony . . . . A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.").

5. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(10) (engaging in conduct that could harm the public).

### ORDER

IT IS HEREBY ORDERED that License Number MT-24062 issued to Matthew Brian Argentino practice as a massage therapist in the State of Arizona is hereby placed on **PROBATION** for a period of time to run concurrently with Respondent's criminal probation, subject to the following terms and conditions:

1. **Civil Penalty.** Within thirty (30) days of the Effective Date of this Consent Agreement, Respondent shall pay to the Board a civil penalty of \$100. Payment must be made in one lump sum by personal check, cashier's check, or money order payable to the Board.

2. **Compliance with Probation/Quarterly Updates.** Respondent shall remain in full compliance with the terms of his criminal probation and shall submit updates to the Board every three months (quarterly) beginning with the third calendar month from the start of his probation and continuing every third calendar month thereafter until he is

released from probation. If Respondent fails to provide a quarterly update or is found to be in violation of his probation, the Board may bring additional disciplinary action against Respondent for violation of this Order.

If requested, during his probation Respondent shall appear at a Board meeting to discuss the status of his probation.

3. **Termination of Probation.** Respondent's probation shall continue for so long as he remains on criminal probation. At the conclusion of his criminal probation, Respondent shall petition for release from his probation and shall appear before the Board when it considers his request. If Respondent fails to petition for release from probation or fails to appear before the Board in support of his request, Respondent's probation shall continue until he complies with these requirements.

4. **General Provisions.**

a. Respondent shall pay all necessary fees throughout the term of Respondent's probation to maintain Respondent's massage therapy license in active status.

b. Throughout the term of Respondent's probation, Respondent shall personally appear before the Board when requested to do so by the Board or its staff.

c. Respondent shall obey all federal and state laws and rules governing the practice of Massage Therapists.

d. Respondent shall pay all costs associated with complying with this Order.

e. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

del  
7th  
DATED this 7th day of June, 2019.

ARIZONA STATE BOARD OF MASSAGE  
THERAPY

(Seal)



By:


Thomas Augherton  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 7th day of June, 2019, with:

Arizona State Board of Massage Therapy  
1740 West Adams, Suite 3401  
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED  
this 7th day of June, 2019, to:

Matthew Brian Argentino  
210 S Greenfield Rd. #287  
Mesa, Arizona 85206  
matthewargentino@hotmail.com  
Respondent

By:   
#7938073