

REC'D JUN 16 2016



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
LICENSING ENFORCEMENT SECTION

ELIZABETH CAMPBELL
ASSISTANT ATTORNEY GENERAL

May 27, 2016

Heidi L. Begay
P.O. Box 612
St. Michaels, Arizona 86511

Re: Proposed Consent Agreement for Renewal of License

Dear Ms. Begay,

I am the Assistant Attorney General assigned to represent the Arizona Board of Massage Therapy (the "Board"). According to the Board's discussion and vote at its meeting on May 23, 2016, attached please find a Consent Agreement for Renewal of your massage therapy license.

If the attached consent agreement is acceptable to you, please sign the document where indicated. Please return the consent agreement with your original signature to the Board office no later than **June 17, 2016**. Upon receipt of the signed consent agreement, the agreement will be signed by the Board's executive director and your license will be renewed. If the Board does not receive the consent agreement signed by June 17, 2016, this matter will be returned to the Board for further action up to and including potential denial of your renewal application.

You may contact me by telephone or by e-mail at elizabeth.campbell@azag.gov. If you are represented by an attorney, please have your attorney contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth A. Campbell". The signature is fluid and cursive, written over a horizontal line.

Elizabeth A. Campbell
Assistant Attorney General

Enclosure as stated.
cc: Kathleen Phillips, Executive Director
Doc No.5114017

1 **BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**

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3 In the Matter of

4 **HEIDI BEGAY,**

5 License No. MT-19303 as a
6 Massage Therapist in the
7 State of Arizona

**CONSENT AGREEMENT FOR
RENEWAL OF LICENSE WITH
PROBATION**

8 **CONSENT AGREEMENT**

9 As Heidi Begay (“Applicant”) has made application to the Arizona State Board of
10 Massage Therapy (the “Board”) for renewal of her license as a massage therapist and,
11 consistent with the public interest, statutory requirements and the responsibilities of the
12 Board under A.R.S. § 32-4201, *et. seq.*, the Board and Applicant enter into the following
13 Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) for
14 renewal of licensure.

15 **RECITALS**

16 1. Applicant has read and understands this Consent Agreement and has had
17 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
18 opportunity to discuss this Consent Agreement with an attorney.

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

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1 3. Applicant affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

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

9 5. Applicant understands that the Consent Agreement shall not become
10 effective unless and until signed by the Board's Executive Director on behalf of the
11 Board.

12 6. This Consent Agreement is subject to the approval of the Board and is
13 effective only when accepted by the Board and signed by the Executive Director. In the
14 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
15 be of no evidentiary value and shall not be relied upon nor introduced in any action by
16 any party, except that the parties agree that should the Board reject this Consent
17 Agreement and this case proceeds to hearing, Applicant shall assert no claim that the
18 Board was prejudiced by its review and discussion of this document or any records
19 relating thereto.

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

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

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

6 10. Applicant understands that this Consent Agreement is a public record that
7 may be publicly disseminated as a formal action of the Board and may be reported as
8 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
9 Protection Data Bank.

10 11. Applicant understands that any violation of this Consent Agreement may
11 result in disciplinary action. A.R.S. § 32-4253(A)(23).

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

14 ACCEPTED AND AGREED BY HEIDI BEGAY

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16 
17 Heidi Begay

Dated: 6/10/16

18 **FINDINGS OF FACT**

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

21 2. At its May 2016 meeting, the Board considered Applicant's application for
22 renewal of her license as a massage therapist in the State of Arizona.

23 3. On October 10, 2013, Applicant was convicted of Possession or Use of
24 Marijuana, a Class 1 Misdemeanor, in Maricopa County Superior court Case Number
25 CR2011-134798. The offense date was September 9, 2010. Applicant was placed on
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1 probation for 12 months. On January 2, 2015, the Court found that Applicant had
2 violated the terms of the probation and reinstated Applicant on probation.

3 4. On January 2, 2015, Applicant was convicted of Possession or Use of
4 Marijuana, a Class 1 Misdemeanor, in Maricopa County Superior court Case Number
5 CR2014-107352. The offense date was October 11, 2013. Applicant was placed on
6 probation for 1 year. On January 2, 2015, the Court found that Applicant had violated the
7 terms of the probation and reinstated Applicant on probation.

8 5. On January 2, 2015, Applicant was convicted of Aggravated Driving or
9 Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a
10 Class 4 Felony, in Maricopa County Superior Court Case Number CR2014-126696. The
11 Offense date was December 13, 2013. Applicant was incarcerated for 4 months (with
12 credit for 67 days) and placed on probation for 5 years.

13 6. On January 2, 2015, Applicant was convicted of Aggravated Driving or
14 Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a
15 Class 4 Felony, in Maricopa County Superior Court Case Number CR2014-157509. The
16 offense date was September 3, 2014. Applicant was incarcerated for 6 months (with
17 credit for 60 days) and placed on probation for 5 years.

18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter and over Applicant
20 pursuant to A.R.S. § 32-1901 *et seq.*

21 2. Being convicted of a felony is grounds for disciplinary action and denial of
22 licensure. A conviction by a court of competent jurisdiction is conclusive evidence of the
23 commission of the crime. A.R.S. §§ 32-4222(G) and -4253(A)(4).

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1 ORIGINAL OF THE FORGOING FILED
this ____ day of _____, 2016, with:

2 Arizona State Board of Massage Therapy
3 1400 West Washington, Suite 300
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
this ____ day of _____, 2016, to:

6 Heidi Begay
7 17462 W. Banff Lane
8 Surprise, AZ 85388
9 Applicant

10 Elizabeth A. Campbell
11 Assistant Attorney General
12 1275 W. Washington Street, SGD/LES
13 Phoenix, Arizona 85007
14 Attorney for the Board

15 #5107471

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