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

6 In the Matter of

7 **EDWIN SLIM NEZ (formerly Boice),**  
8 **LMT**

9  
10 Holder of License No. MT-21241  
11 As a Massage Therapist  
12 In the State of Arizona  
13  
14

Board Case No. 18-110

**CONSENT AGREEMENT**  
**(PROBATION)**

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18 In the interest of a prompt and judicious settlement of this case, consistent with the  
19 public interest, statutory requirements and the responsibilities of the Arizona State Board  
20 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Edwin Slim Nez  
21 (formerly Boice) ("Respondent"), holder of Massage Therapist License Number MT-  
22 21241 in the State of Arizona, and the Board enter into the following Recitals, Findings  
23 of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of  
24 this matter.

25 **RECITALS**

26 1. Respondent has read and understands this Consent Agreement and has had  
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.

5. Respondent understands this Consent Agreement deals with Board case  
number 18-110 involving allegations that Respondent engaged in conduct that would  
subject him 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 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

Edwin Slim Nez

Dated: 5/1/18

Edwin Slim Nez (Boice)

#### **FINDINGS OF FACT**

1. On November 14, 2017, Respondent pleaded guilty to aggravated assault, a class 3 felony, and endangerment, a class 6 felony, in Maricopa County Superior Court case number CR2017-113728.

2. Respondent's conviction related to a motor vehicle accident where he was under the influence of alcohol and struck a vehicle carrying a law enforcement officer.<sup>4</sup>

#### **CONCLUSIONS OF LAW**

1. The conduct and circumstances described above in Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or any board rule).

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

3. The conduct and circumstances described in the above Findings of Fact 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 A.R.S. § 32-4222(A)), namely, conviction of a felony.

4. The conduct and circumstances described above in described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(4) (being convicted of a felony).

#### **ORDER**

IT IS HEREBY ORDERED that License Number MT-21241 issued to Edwin Slim Nez (formerly Boice) (Respondent) to practice as a massage therapist in the State of Arizona is hereby placed on PROBATION for a period of twenty-four (24) months from the effective date of this Order, subject to the following terms and conditions:

1. CONTINUING EDUCATION: During the period of suspension, Respondent shall complete twenty (20) hours of continuing education, which must include courses covering the following subjects: ethics. These continuing education hours shall be in addition to and may not be used to satisfy the hours required for the renewal of Respondent's massage therapist license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of his continuing education courses from Board or its designee (staff). Continuing education that Respondent obtains pursuant to this Order must occur in a live classroom setting.

2. AA MEETINGS: Respondent shall attend a minimum of one AA meeting per month for the duration of the probation period. Respondent shall maintain a log of the AA meetings attended and receive a signature from the meeting organizer of each meeting. Respondent must cause his sponsor to provide the Board with a quarterly report regarding Respondent's attendance and progress.

#### **3. ABSTENTION AND ALCOHOL SCREENING**

Respondent shall not consume any alcohol or any substances containing alcohol and shall avoid all products containing alcohol for the duration of the Order. Within fourteen (14) days of the effective date of the Order, and throughout the term of this Order, Respondent shall enroll and remain enrolled in the Board approved third-

party program for random alcohol testing via urinalysis. Respondent shall submit a urine specimen a minimum of twice (2) per month for the duration of the Probation. If Respondent is participating in a similar program as part of his criminal probation, he may petition the Board or its designee (staff) for permission to modify this Order to allow him to use that program to satisfy the requirements of his probation in this case.

4. GENERAL PROVISIONS:

a. Respondent shall pay all necessary fees and complete all continuing education requirements throughout the term of his probation to maintain his massage therapy license. Throughout the term of Respondent's probation, Respondent shall personally appear before the Board when requested to do so by the Board or Board staff.


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

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

d. 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.

DATED this <sup>15<sup>th</sup></sup> day of MAY, 2018.  
ARIZONA STATE BOARD OF MASSAGE  
THERAPY

By:

  
RYAN EDMONSON  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 15<sup>th</sup> day of May, 2018, with:

Arizona Board of Massage Therapy  
1740 W. Adams St., Ste. 3401  
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED  
REGULAR FIRST-CLASS MAIL and EMAIL  
this 15<sup>th</sup> day of May, 2018, to:

Edwin Slim Nez (Boice)  
3507 N. 12<sup>th</sup> Street, #1  
Phoenix, AZ 85014  
[nez.edwin@gmail.com](mailto:nez.edwin@gmail.com)

COPY OF THE FOREGOING EMAILED  
this 15<sup>th</sup> day of May, 2018, to:

Michael Raine, Esq.  
Office of the Attorney General – SGD/LES  
2005 N. Central Ave.  
Phoenix, AZ 85004  
[michael.raine@azag.gov](mailto:michael.raine@azag.gov)

By: 