

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3 )  
4 Jamie Brooks, LMT )

5 )  
6 License No. MT-03379P )

7 As a Massage Therapist )

8 In the State of Arizona )  
9

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER**

10 Pursuant to Complaint and Notice of Hearing, case number 12-101 came before the Arizona  
11 Board of Massage Therapy (Board) on March 25, 2013.

12 Dennis Beye, president, presided at the meeting with Board members Victoria Bowman, Earl  
13 Duskey, Diane Pruetz, and John Ortega in attendance.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant  
15 Attorney General, Licensing and Enforcement Section. Diana D. Rasner, of the Solicitor  
16 General's Section of the Attorney General's Office was present and available to provide  
17 independent legal advice to the Board. Jamie Brooks (Respondent) appeared before the Board  
18 and was represented by attorney, Carissa A. Jakobe.

19 The Board, after considering the testimony and evidence presented, hereby issues the following  
20 Findings of Fact, Conclusions of Law, and Final Order.

21 **AUTHORITIES AND JURISDICTION**  
22

- 23  
24 1. The Board is the duly constituted authority for licensing and regulating the practice of  
25 massage therapy in the state of Arizona.  
26 2. Respondent is the holder of license number MT-03379P, which allows her to practice as  
27 a massage therapist in the state of Arizona.  
28 3. Under A.R.S. § 32-4201, *et. seq.*, the Board possess jurisdiction over the subject matter  
29 and over Respondent as a licensee of the Board.

30 **FINDINGS OF FACT**  
31

- 32  
33 1. From 2008 until at least January 2010, Respondent worked as a massage therapist at  
34 Scottsdale Massage in Scottsdale, Arizona.

1 2. During the time Respondent worked as a massage therapist at Scottsdale Massage in  
2 Scottsdale, Arizona, Respondent became aware of sexual activity occurring at Scottsdale  
3 Massage and failed to report the sexual activity to the Board as required by Board Statute.

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5 CONCLUSIONS OF LAW

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7 1. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the subject matter  
8 and over Respondent.

9 2. The conduct and circumstances described in paragraph 2 in the Findings of Fact is  
10 grounds for discipline under A.R.S. § 32-4253(A)(19) (Failing to report to the Board any act or  
11 omission of a licensee or applicant or any person who violates this chapter).

12 3. The conduct and circumstances described in paragraph 2 of the Findings of Fact is  
13 grounds for discipline under A.R.S. § 32-4255(D) (A person who aids or requires another person  
14 to directly or indirectly violate this chapter or board rules, who permits a license to be used by  
15 another person, or who acts with the intent to violate this chapter or board rules is subject to a  
16 civil penalty of not more than one thousand dollars for each violation and not more than five  
17 thousand dollars for each subsequent violation).

18  
19 ORDER

20  
21 Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED  
22 that Respondent's license number MT-03379P is suspended for 30 days from the date of this  
23 hearing and placed on probation for one year beginning on November 10, 2013. Respondent is  
24 fined \$1000.00 to be paid by November 10, 2013. Before November 10, 2013, Respondent is  
25 required to complete a minimum of 30 hours of staff approved continuing education in  
26 professional or personal ethics. If Respondent is unable to complete the continuing education in a  
27 classroom setting, Respondent may complete the continuing education on-line. The continuing  
28 education shall be in addition to the hours required for the annual renewal of her massage  
29 therapy license. At the end of the probationary period Respondent shall appear before the Board  
30 to request release from probation. Respondent's failure to comply with this Board order will  
31 subject her to future disciplinary action by the Board. (A.R.S. § 32-4253(A)(23).  
32  
33

1 RIGHT TO PETITION FOR REHEARING OR REVIEW

2 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §  
3 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-  
4 five (35) days from the date of mailing if the Order was served by certified mail. The petition  
5 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.  
6 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement  
7 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes  
8 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the  
9 Board has expressly found good cause to believe that this Order shall be effective immediately  
10 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or  
11 review within thirty days after service of the decision has the effect of prohibiting the parties  
12 from seeking judicial review of the Board's decision.

13  
14  
15 Dated and signed this 27th day of March, 2013.

16 ARIZONA BOARD OF MASSAGE THERAPY

17 By: Kathleen Phillips  
18 Kathleen Phillips  
19 Deputy Director  
20

21 ORIGINAL OF THE FOREGOING FILED  
22 this 27th day of March, 2013 with the:  
23 Arizona State Board of Massage Therapy  
24 1400 West Washington, Suite 300  
25 Phoenix, AZ 85007  
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1 EXECUTED COPY OF THE FOREGOING MAILED  
2 BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
3 this 7th day of March, 2013, to:

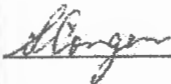
4  
5 Jamie Brooks  
6 20660 N 40<sup>th</sup> St #2160  
7 Phoenix, Arizona 85050  
8 Respondent

9  
10 COPY OF THE FOREGOING MAILED  
11 this 7th day of March, 2013, to:

12  
13 Carissa A. Jakobe, Esq.  
14 Law Offices of Carissa A. Jakobe  
15 P.O. Box 549  
16 Phoenix, Arizona 85001

17  
18 Diana D. Rasner  
19 Assistant Attorney General  
20 1275 W. Washington Street, CIV/SGO  
21 Phoenix, Arizona 85007  
22 Attorney for the Board

23  
24 Elizabeth Campbell  
25 Assistant Attorney General  
26 1275 W. Washington Street, CIV/LES  
27 Phoenix, Arizona 85007  
28 Attorney for the State

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