

1 Before The Arizona State Board of Massage Therapy

2 In the Matter of:) No.: 06-137
3 Jason Brusca)
4 Holder of License No. MT 05790) DECISION AND ORDER
5 For the Practice of Massage Therapy)
6 In the State of Arizona)

7 Respondent

8 On June 23, 2008, this matter came before the Arizona State Board of Massage
9 Therapy for a formal hearing on the allegations set forth in the Complaint and Notice
10 of Hearing. Licensee Jason Brusca was notified but failed to appear. The State was
11 represented by Michelle Wood, Assistant Attorney General. Mary Jo Foster, Assistant
12 Attorney General of the Solicitor General's Office was present to advise the Board.

13 After reviewing the record on this matter, and having heard the testimony and
14 arguments of the parties and deliberating fully, the Board issues the following
15 Findings of Facts, Conclusions of Law and Order.

16 FINDING OF FACT

17 1. On or about 9/06/06 Jason Brusca, while massaging Complainant #1, S.V.,
18 intentionally exposed both her breasts; exposed and spread apart her
19 buttocks; massaged with heavy emphasis on the inner thighs, "grazed the
20 private parts", and asked if she had a boyfriend and what she was doing
21 later.

22
23 2. On or about 8/21/06 Jason Brusca, while massaging Complainant #2, R.M.,
24 touched both breasts without permission. Brusca instructed R.M. to
25 remove her panties, prior to the session, and then lifted each of her

1 legs in such a fashion to view her genital area. During the massage
2 Brusca asked her if she had a boyfriend and what she was doing later.
3

4 CONCLUSIONS OF LAW
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6 The conduct described in paragraphs 1 and 2 above constitutes
7 unprofessional conduct as defined by:

8 32-4253. Disciplinary action; grounds; definitions

9 A. The following are grounds for disciplinary action:

10 6. Engaging in any act or practice in violation of this chapter or
11 any board rule or aiding, abetting or assisting any other person
12 in the violation of these provisions or rules.

13 16. Failing to adhere to the recognized standards and ethics of the
14 massage therapy profession.

15 23. Violating this chapter, board rules or a written order of the
16 board.

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18 B. For the purposes of this section:

19 1. "Breast" means any portion of the female breast below a point
20 immediately above the top of the areola.

21 2. "Sexual activity" means any of the following:

22 (a) Sexual conduct.

23 (b) Offering to engage in sexual conduct.

24 (c) Making sexual advances, requesting sexual favors or
25 engaging in other verbal conduct or physical contact of a
sexual nature with a client.

1 (d) Intentionally viewing a completely or partially disrobed
2 massage therapy client in the course of treatment if the
3 viewing is not related to treatment under current practice
4 standards and is intended to appeal to the prurient
5 interest of the massage therapy client or the massage
6 therapist.

7 (e) Massaging, touching or applying any instrument or device by
8 a licensee in the course of practicing or engaging in
9 massage therapy to the breasts of a female client unless
10 the client requests breast massage and signs a written
11 consent form. If the client is a minor, the consent form
12 must include the signature of the client's parent or legal
13 guardian authorizing the procedure and outlining the reason
14 for the procedure before the procedure is performed.

15 3. "Sexual conduct" means any direct or indirect touching, fondling
16 or manipulating of any part of the genitals or anus by any part
17 of the body or by any object or causing a person to engage in
18 that conduct

19 ORDER

20 Based on the Findings of Fact and Conclusions of Law as adopted, the Board
21 concludes that sufficient cause exists to revoke massage license MT05790 issued to
22 Jason Brusca.

23 IT IS THEREFORE ORDERED that Jason Brusca cease and desist in the practice of
24 massage therapy and that his license MT05790 is hereby revoked.
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By Robert Wilson, Deputy Director

Robert Wilson

Date:

8/14/08