

1 over Respondent as a licensee of the Board.

2
3 **FINDINGS OF FACT**

4 1. On or about June 13, 2012, Respondent was convicted of Possession of a Forgery Device,
5 a class 6 undesignated felony, in Maricopa County Superior Court (Court) case number CR2011-
6 127691.

7 2. Respondent failed to notify the Board that she had been charged with the offense within
8 10 days after the charge was filed.

9
10 **CONCLUSIONS OF LAW**

11 1. The felony conviction described above is grounds for discipline under A.R.S. § 32-42-
12 53(A)(4) (Being convicted of a felony or other offense involving moral turpitude or conviction
13 for prostitution, solicitation or another similar offense. A conviction by a court of competent
14 jurisdiction is conclusive evidence of the commission of the crime).

15 2. A class 6 undesignated felony is treated as a felony for all purposes until such time as a
16 court may actually enter an order designating the offense as a misdemeanor. A.R.S. § 13-702(G)

17 3. The conduct described in the Findings of Fact, paragraph 2, constitutes unprofessional
18 conduct for a health professional who has been charged with a misdemeanor involving conduct
19 that may affect patient safety or a felony after receiving or renewing a license or certificate to
20 fail to notify the health professional's regulatory board in writing within ten working days after
21 the charge is filed.

22
23 **ORDER**

24 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following
25 Order:

26 1. Respondent's Massage Therapist License No. MT-02601P is immediately placed

1 on Board probation until Respondent completes the criminal probation ordered by the Maricopa
2 County Superior Court (Court) case number CR2011-127691, which is on or before June 13,
3 2014.

4 2. During the Board ordered probation time, Respondent shall complete four hours
5 of Board staff pre-approved continuing education in business practices and four hours of Board
6 staff pre-approved continuing education in ethics. These continuing education hours shall be in
7 addition to the hours required for the renewal of Respondent's license under A.R.S. § 32-4225.

8 3. After completion of the Court ordered probation, Respondent shall personally
9 appear before the Board to request to be released from Board probation. If Respondent is
10 released from Court probation before June 13, 2014, Respondent may petition the Board for
11 early release from Board probation.

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

16 **RIGHT TO PETITON FOR REHEARING OR REVIEW**

17 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §
18 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-
19 five (35) days from the date of mailing if the Order was served by certified mail. The petition
20 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.
21 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement
22 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes
23 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the
24 Board has expressly found good cause to believe that this Order shall be effective immediately.
25 upon the issuance and has so stated in this Order.

1 Dated and signed this 27th day of November, 2012.

2 ARIZONA BOARD OF MASSAGE THERAPY

3 By: Kathleen Phillips

4 Kathleen Phillips
5 Deputy Director
6

7 ORIGINAL OF THE FOREGOING FILED
8 this 27th day of November, 2012 with the:

9
10 Arizona State Board of Massage Therapy
11 1400 West Washington, Suite 300
12 Phoenix, AZ 85007
13

14 EXECUTED COPY OF THE FOREGOING MAILED
15 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
16 this 27th day of November, 2012, to:

17
18 Xoan Burroughs
19 1455 S. Stapley #26
20 Mesa, Arizona 85204
21 Respondent
22

23 COPY OF THE FOREGOING MAILED
24 this 27th day of November, 2012, to:

25
26 Christopher Munns
27 Assistant Attorney General
28 1275 W. Washington Street, CIV/SGO
29 Phoenix, Arizona 85007
30

31 Elizabeth Campbell
32 Assistant Attorney General
33 1275 W. Washington Street, CIV/LES
34 Phoenix, Arizona 85007
35

36 Notifications/Mailings completed by Kathleen Phillips _____
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