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

In the Matter of:

SERGIO CASTRO
Holder of License No. **MT-18740**

BOARD CASE NOS. 18-129

For the Practice as a Massage Therapist
In the State of Arizona

DECISION AND ORDER

RESPONDENT

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On October 1, 2018, during a regularly scheduled board meeting, the Arizona State Board of Massage Therapy (“Board”) held an Administrative Hearing to hear evidence, testimony and arguments regarding this case. Assistant Attorney General Michael Raine represented the State. Sergio Castro (“Respondent”) was present and represented himself. Assistant Attorney General, Mary DeLaat Williams, of the Licensing and Enforcement Section of the Attorney General’s Office, appeared, in person, to provide independent legal advice to the Board. After hearing all of the evidence and arguments presented by the parties, the Board issues the following Findings of Fact, Conclusions of Law and Order:

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FINDINGS OF FACT

1. On March 29, 2018, client CN received massage therapy services from Respondent at Xanadu Salon and Spa (U Love Massages) in Tucson, Arizona.

2. During the massage, Respondent massaged CN’s breasts without her prior written or oral consent.

3. Respondent also failed to drape CN’s body adequately.

4. Respondent also engaged in massage therapy techniques such as pulling CN’s hair to move her on the massage table and spreading her legs, which caused CN discomfort and fear.

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1 **CONCLUSIONS OF LAW**

2 1. The conduct and circumstances described above constitute grounds for discipline
3 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter
4 or any board rule), as it relates to any alleged statutory violation asserted below, as well as
5 Arizona Administrative Code R4-15-103(E) (establishing the ethical standard to “[p]rovide
6 draping that ensures the safety, comfort, and privacy of the client.”)

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

10 3. The conduct and circumstances described above constitute grounds for discipline
11 pursuant to A.R.S. § 32-4253(A)(15) (engaging in sexual activity with a client) as that term is
12 defined in A.R.S. § 32-4253(B)(2)(e) (defining “sexual activity” to include a breast massage
13 without prior written consent).

14 4. The conduct and circumstances described above constitute grounds for discipline
15 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
16 the massage therapy profession).

17 **ORDER**

18 Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, it is
19 hereby ordered that license number MT-18740 issued to Sergio Castor to practice as a massage
20 therapist in the State of Arizona is placed on **PROBATION** until his next license renewal date,
21 which is scheduled for January 4, 2020.

22 It is further ordered that within the probationary period, in addition to the twenty-four
23 (24) hours of continuing education Respondent is required to take as a requirement for license
24 renewal, Respondent shall take and complete an additional sixteen (16) hours of continuing
25 education, which shall be taken in a classroom setting. The additional continuing education hours
26 extends Respondent’s total continuing education hours for the current license renewal cycle to
forty (40) hours. Of the total forty (40) hours of continuing education, Respondent shall take
twenty-four (24) hours in the following areas:

Ten (10) hours shall be in the area of communication;

1 DATED this 18th day of October, 2018

2 ARIZONA STATE BOARD OF MASSAGE THERAPY

3
4 By: 
Ryan P. Edmonson, Executive Director

5 Original Decision and Order
6 filed this 18th day of October 2018 with the:

7 Arizona State Board of Massage Therapy
8 1740 West Adams Street, Suite 3401
9 Phoenix, Arizona 85007

10 Copy of the foregoing sent via
11 Regular and Electronic mail this
12 18th day of October 2018 to:

13 Sergio Castro
14 1210 South Turquoise Drive, #601
15 Tucson, Arizona 85710
16 serjcastro@gmail.com

17 Copy of the foregoing sent via
18 Electronic mail this 18th day of October 2018 to:

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20 Office of Arizona Attorney General – SGD/LES
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22 Phoenix, Arizona 85067
23 michael.raine@azag.gov

24 Mary DeLaat Williams, Assistant Attorney General
25 Licensing & Enforcement Section
26 Office of the Attorney General - SGD/LES
2005 North Central Avenue
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By: 