

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

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|--------------------------------------|---|--------------------------------|
| In the Matter of: |) | CASE NO. 21-112 |
| |) | |
| ANTHONY MICHAEL CAVENDER |) | |
| Holder of License No. 22696 |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, AND |
| For the Practice of Respiratory Care |) | ORDER FOR REVOCATION |
| In the State of Arizona |) | |
| |) | |

The Arizona State Board of Massage Therapy ("Board") held a Formal Administrative Hearing on Monday, June 28, 2021 at 9:00 a.m. in the matter of Anthony Michael Cavender, LMT. Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona. Mary D. Williams, Assistant Attorney General, appeared as independent advice counsel for the Board. The Respondent was noticed, but not present. Following the presentation of the State's Motion to Deem the Allegations Admitted, pursuant to A.R.S. § 32-4254(H), the Board voted to grant the State's Motion and adopted the following Findings of Fact, Conclusions of Law, and Order for Revocation of licensure.

FINDINGS OF FACT

1. The Arizona State Board of Massage Therapy is the duly constituted agency for licensing and regulating of the practice of massage therapy in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-4201, *et seq.*

2. Respondent was the holder of License Number 22696 which enabled him to practice respiratory care in the State of Arizona, prior to this Order.

3. Respondent did not timely renew his license and Respondent's license to practice is currently on suspended status as of the date of the expiration of his license.

4. On August 18, 2020, the Board received notification in the form of a Certified Conviction document from the Superior Court of Maricopa County that the Respondent had pled guilty and was convicted on one count of Attempted Sexual Assault, a class three felony, on case

1 # CR2020-104340-001-DT on June 18, 2020. On August 10, 2020, the Respondent was ordered
2 to Maricopa County jail for detention purposes.

3 5. The Respondent's conviction was the result of an arrest that occurred on January
4 29, 2020, for one count of Sexual Assault. The Board was not notified of the arrest or conviction,
5 as required by law.

6 6. The Board was unable to make contact with the Respondent during the time he
7 was in custody, and therefore voted to monitor the situation and continue the matter until the
8 Respondent was released from custody. Respondent has not replied to the Board's attempts to
9 contact him since being released from custody.

10 7. At its April 26, 2021, meeting the Board voted to move this matter forward to
11 formal hearing for revocation of the Respondent's license to practice massage therapy in the state
12 of Arizona, based on the certified conviction for Attempted Sexual Assault in case # CR2020-
13 104340-001-DT.

14 **CONCLUSIONS OF LAW**

15 1. The conduct and circumstances described above constitute grounds for discipline
16 pursuant to A.R.S. § 32-4253(A)(4), which states, "being convicted of a felony or other offense
17 involving moral turpitude or any conviction for prostitution, solicitation or another similar
18 offense. A conviction by a court of competent jurisdiction is conclusive evidence of the
19 commission of the crime."

20 2. The conduct and circumstances described above constitute grounds for discipline
21 pursuant to A.R.S. § 32-4253 (A)(10), which states, "engaging in conduct that could harm the
22 public."

23 3. The conduct and circumstances described above constitute grounds for discipline
24 pursuant to A.R.S. § 32-4253(A)(16), which states, "failing to adhere to the recognized standards
25 and ethics of the massage therapy profession."
26

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(20), which states, “failing to report to the board any act or omission of a licensee or applicant or any other person who violates this chapter.”

5. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23), which states, “violating board statutes, rules, or orders.”

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT** License No. 22696 issued to Respondent shall be **REVOKED** on the effective date of this Order.

The effective date of this order is the date which it is signed by the Boards Executive Director on behalf of the Board.

NOTICE

In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you are required to exhaust your administrative remedies by filing a motion for rehearing or review of the Board's decision within thirty-five days after these Findings of Fact, Conclusions of Law, and Order are mailed to you at your last known address, or thirty days after they are personally served upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a motion for rehearing or review in writing at the Board's office by that date has the effect of prohibiting you from seeking judicial review of the Board's decision.

DATED THIS ~~15TH~~ DAY OF JULY, 2021.

ARIZONA STATE BOARD OF MASSAGE THERAPY

By: Thomas Augherton
Thomas Augherton, Executive Director

1 Original Findings of Fact, Conclusions
2 Of Law, and Order for Revocation of License to
3 Practice Massage Therapy filed
4 this 15th day of July, 2021 with the:

5 Arizona Board of Massage Therapy
6 1740 West Adams Street, Suite 3401
7 Phoenix, Arizona 85007


8 Copy of the foregoing sent by Electronic,
9 Certified and Regular mail
10 this 15th day of July, 2021 to:

11 Anthony Michael Cavender
12 2512 East Paraiso Drive
13 Phoenix, Arizona 85024
14 *Respondent*

15 Copy of the foregoing sent by inter-
16 Agency mail this 15th day of July, 2021 to:

17 Seamus Monaghan, Assistant Attorney General
18 Office of Arizona Attorney General
19 2005 North Central Avenue, SGD/LES
20 Phoenix, AZ 85004
21 *Attorney for the State*

22 Mary D. Williams, Assistant Attorney General
23 Office of Arizona Attorney General
24 2005 North Central Avenue, SGD/LES
25 Phoenix, AZ 85004
26 *Independent Attorney Advisor*



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