



State of Arizona
Governor: Janet Napolitano

Arizona State Board of Massage Therapy

1400 W. Washington, Ste. 230 ♦ Phoenix, AZ 85007
Voice Telephone: 602-542-8604 ♦ Fax: 602-542-3093
Website: www.massageboard.az.gov ♦ Dr. Craig Runbeck, Executive Director

May 5, 2008

Steven Chen
7300 N. Mona Lisa Road
Tucson, Az. 85714

COPY

Mr. Chen;

The Arizona State Board of Massage Therapy has received complaints that you knowingly hired unlicensed therapists to do massage therapy at your Oriental Chi establishments.

This is a violation of A.R.S. 32-4255.

32-4255. Unlawful practice; classification; civil penalties; injunctive relief

A. It is unlawful for any person to practice or in any manner to claim to practice massage therapy unless that person is licensed pursuant to this chapter. A person who engages in an activity requiring a license pursuant to this chapter or who uses any word, title or representation in violation of section 32-4252 that implies that the person is licensed to engage in the practice of massage therapy is guilty of a class 1 misdemeanor.

B. The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of massage therapy. If an investigation indicates that a person may be practicing massage therapy unlawfully, the board shall inform the person of the alleged violation. The board may refer the matter for prosecution regardless of whether the person ceases the unlawful practice of massage therapy.

C. The board, through the appropriate county attorney, city attorney or the office of the attorney general, may apply for injunctive relief in any court of competent jurisdiction or enjoin any person from committing any act in violation of this chapter. Injunctive proceedings are in addition to all penalties and other remedies prescribed in this chapter.

D. A person who aids or requires another person to directly or indirectly violate this chapter or board rules, who permits a license to be used by another person or who acts with the intent to violate this chapter or board rules is subject to a civil penalty of not more than one thousand dollars for each violation and not more than five thousand dollars for each subsequent violation. The board shall hold a hearing before it imposes this penalty.

E. The board shall deposit, pursuant to sections 35-146 and 35-147, all monies it collects from civil penalties pursuant to this section in the state general fund.

As a consequence of this investigation, the Board requests that you immediately provide the Board with a written statement admitting these allegations or showing why these allegations are untrue. If you admit to these allegations, you may offer statements in mitigation of your circumstances for the Board's considerations. In most circumstances, the Board will then hold a hearing in which you will be allowed legal counsel and an opportunity to directly answer questions and provide information to the Board to clarify the information contained in your answer. **YOU HAVE 14 DAYS FROM THE DATE OF THIS LETTER TO RESPOND TO THE BOARD.**

Please consult our web site www.massageboard.az.gov for the laws and rules that govern the practice of massage in the State of Arizona. If you have any questions, please call this office at 602-542-8225.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Wilson".

Robert Wilson
Deputy Director

Copy: License & Investigation files

1 **Law Offices of Donald W. Hudspeth, P.C.**
2 **Donald W. Hudspeth (012198)**
3 **Barton J. Fears (018341)**
4 **Eli D. Golob (024693)**
5 **3030 North Central Avenue, Suite 604**
6 **Phoenix, Arizona 85012**
7 **(602) 265-7997 - Telephone**
8 **(602) 265-6099 - Fax**
9 **Attorneys for Respondent, Respondent, LLC**

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

8 In the Matter of ORIENTAL CHI, LLC,) Case Numbers: 06-138 and 07-117
9 Respondent.) **CONSENT AGREEMENT**
10 _____)

11
12 The Arizona State Board of Massage Therapy ("Board") hereby enters into this
13 Consent Agreement with Oriental Chi, LLC ("Respondent"), to cease and desist. After
14 having read three complaints, regarding massage therapy services allegedly provided by
15 unlicensed individuals, Respondent's responses thereto, an investigative report of the
16 matter, and considering the June 23, 2008, meeting between the Board and Mr. Chen, the
17 President of Respondent, and Respondent's counsel, the Board makes the following
18 Findings of Fact, Conclusions of Law and Order. Respondent stipulates to the same.

19 **FINDINGS OF FACT**

- 20 1. Between 2004 and the present, Respondent operated multiple stores which
21 purportedly offered energy work pursuant to an exception permitted under A.R.S. § 32-
22 4221(B)(6).
- 23 2. Thereafter, between November 14, 2006 and June 23, 2008 (hearing date),
24 unlicensed members of Respondent's staff provided massage services for which, by
25 Arizona state law, a license from the Board is required.
- 26 3. The massage services offered and performed for clients by unlicensed individuals
27 include massage by percussion, compression, stretching, kneading and drumming using
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1 hands and forearms. These services are not covered by the statutory exemption within
2 A.R.S. § 32-4221(B)(6).

3 CONCLUSIONS OF LAW

4 4. Pursuant to A.R.S. § 32-4203, the Board has jurisdiction to regulate the practice of
5 massage therapy in the State of Arizona and to enforce its rules and statutes.

6 5. Respondent's performance of massage therapy under the auspices of human energy
7 field work was not exempt from licensure requirements and violated the Board's statutes
8 regarding the unlicensed practice of massage therapy. *See* A.R.S. § 32-4255.

9 ORDER

10 6. Respondent will immediately hire licensed massage therapists to provide all
11 services it offers that fall under Arizona's lawful definition of massage therapy, as defined
12 by A.R.S. § 32-4201 (hereinafter referred to as "massage therapy" or "massage therapy
13 services");

14 7. Respondent will cease offering or providing massage therapy services, except
15 through lawfully licensed individuals, and will not use any individuals who are not
16 licensed massage therapists to provide any massage therapy services;

17 8. All non-licensed individuals, who work for Respondent, will only work in non-
18 massage therapy providing positions;

19 9. Respondent will send all individuals who are not Arizona-licensed massage
20 therapists ("unlicensed individuals"), and who Respondent will use to provide massage
21 therapy services at any time in the future, to a professional massage therapy training
22 program in order to earn certification from the national certification board for therapeutic
23 massage and bodywork, and the unlicensed individuals shall not provide massage therapy
24 services for Respondent, in Arizona, until they have obtained licensure from the Board by
25 meeting statutory requirements;

26 10. During the time the unlicensed individuals, sent by Respondent to massage therapy
27 school, are attending that massage therapy school, Respondent will not allow those
28 individuals to perform any massage therapy services on its premises until such time as they

1 are licensed by the Board; and

2 11. As long as Respondent complies with the terms of this Consent Agreement and the
3 Arizona laws (including all relevant statutes and regulations) that govern massage therapy,
4 it may continue doing business without interruption.

5 Signed this ___ day of _____, 2008

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7 ARIZONA STATE BOARD OF MASSAGE THERAPY

8

9 By: _____

10 Name:

11 Title:

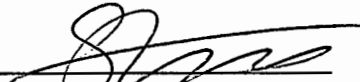
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ORIENTAL CHI, LLC

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By: 
Mr. Steven Chen, President

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