

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

2 In the Matter of:

3 )  
4 **ROBRINA COLE, LMT** )

5 )  
6 License No. MT-07578 )

7 As a Massage Therapist )

8 In the State of Arizona )  
9

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER**

10 Pursuant to Notice of Hearing Number 11-111 (Notice) this matter came before the Arizona  
11 Board of Massage Therapy (Board) on January 23, 2012.

12 Dennis Beye, president, presided at the meeting with Board members Victoria Bowman, John  
13 Ortega, Diane Pruetz, and Earl Duskey in attendance.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant  
15 Attorney General, Licensing and Enforcement Section. Chris Munns, of the Solicitor General's  
16 Section of the Attorney General's Office was present and available to provide independent legal  
17 advice to the Board. Robrina Cole (Respondent) was present, but was not represented by an  
18 attorney. The Board, after considering the testimony and evidence presented, hereby issues the  
19 following Findings of Fact, Conclusions of Law, and Order.

20 **AUTHORITIES AND JURISDICTION**

21  
22 1. The Board is the duly constituted authority for licensing and regulating the practice of  
23 massage therapy in the state of Arizona.

24 2. Respondent is the holder of license number MT-07578P, which allows her to practice as  
25 a massage therapist in the state of Arizona.

26 3. Under A.R.S. § 32-4201, *et seq.*, the Board has jurisdiction over the subject matter and  
27 over Respondent as a licensee of the Board.

1 FINDINGS OF FACT

2 1. On or about July 21, 2011, Respondent was convicted of solicitation to commit  
3 possession of narcotic drugs for sale, a class 4 felony, in Maricopa County Superior Court case  
4 number CR2011-105280.

5 2. Respondent failed to notify the Board that she had been charged with a felony offense  
6 within 10 days after the charge was filed. The board was only notified of the offense when it  
7 received a notification of conviction from the Maricopa County Superior Court on August 1,  
8 2011.

9 CONCLUSIONS OF LAW

10 1. The felony conviction described above in the Finds of Fact paragraph 1 is grounds for  
11 discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense involving  
12 moral turpitude or conviction for prostitution, solicitation or another similar offense. A  
13 conviction by a court of competent jurisdiction is conclusive evidence of the commission of the  
14 crime).

15 2. The conduct described in the Findings of Fact paragraph 2 constitutes unprofessional  
16 conduct under A.R.S. § 32-3208(A) and (D), which provide that it is unprofessional conduct for  
17 a health professional who has been charged with a misdemeanor involving conduct that may  
18 affect patient safety or a felony after receiving or renewing a license or certificate to fail to notify  
19 the health professional's regulatory board in writing within ten working days after the charge is  
20 filed.

21 ORDER

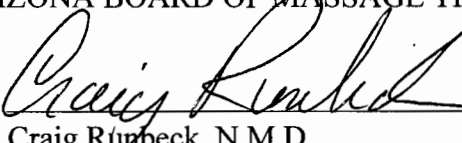
22  
23 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**  
24 that Respondent's license number **MT-07578 is Placed on Probation** until the Superior Court  
25 ordered probation is completed. By July 21, 2012, Respondent is required to complete a six hour  
26 course on Business Procedures and Ethics. The course is in addition to the continuing education  
27 hours required by A.R.S. § 32-4225(E) and shall be preapproved by the massage therapy staff.  
28 Respondent is required to appear before the Board to be released from probation.  
29

1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §  
3 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-  
4 five (35) days from the date of mailing if the Order was served by certified mail. The petition  
5 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.  
6 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement  
7 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes  
8 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the  
9 Board has expressly found good cause to believe that this Order shall be effective immediately  
10 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or  
11 review within thirty days after service of the decision has the effect of prohibiting the parties  
12 from seeking judicial review of the Board's decision.

13 Dated and signed this 24<sup>th</sup> day of January, 2012.

14 ARIZONA BOARD OF MASSAGE THERAPY

15 By:   
16 Craig Runbeck, N.M.D.  
17 Executive Director  
18  
19  
20  
21

22 ORIGINAL OF THE FOREGOING FILED  
23 this \_\_\_ day of January, 2012 with the:  
24 Arizona State Board of Massage Therapy  
25 1400 West Washington, Suite 300  
26 Phoenix, AZ 85007

27  
28 EXECUTED COPY OF THE FOREGOING MAILED  
29 BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
30 this 24<sup>th</sup> day of January, 2012, to:

31  
32 Robrina Cole  
33 4415 S. 28<sup>th</sup> St #42  
34 Phoenix, Arizona 85040

