BEFORE THE ARIZONA BOARD OF
MASSAGE THERAPY EXAMINERS

In the Matter of: **Jing Yun Zhang, LMT,** Holder of License No. MT-11478 As a Massage Therapist in the State of Arizona, Respondent.	**Board Case No. 20-131** **CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Jing Yun Zhang ("Respondent"), holder of Massage Therapist License Number MT-11478 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that Respondent has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against Respondent.

5. Respondent understands this Consent Agreement deals with Board case number 20-131 involving allegations that Respondent engaged in conduct that would subject Respondent to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. All admissions Respondent makes in this Consent Agreement are made solely for the final disposition of this matter, and any related administrative proceedings or civil litigation involving the Board and Respondent. This Consent Agreement is not intended to be used for any other regulatory agency proceedings, or civil or criminal proceedings, whether in the State of Arizona or any other state or federal court, except related to the enforcement of the Consent Agreement itself.

8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, Respondent may not revoke Respondent's acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed by the

Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

10. This Consent Agreement is effective only when signed by the Executive Director upon approval by the Board.

11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

12. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank or other such databases.

13. Respondent agrees that the Board adopts the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY RESPONDENT

Dated: 01-28-2020

Jing Yun Zhang
Respondent

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FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of Massage Therapy in the State of Arizona.

2. Respondent is the holder of license number MT-11478 to practice as a Massage Therapist in the State of Arizona.

3. On November 6, 2019, Respondent pled guilty to Facilitation to Conduct an Illegal Enterprise (CR2018-002945) in violation of A.R.S. §§ 13-1004, 2312, a class 6 undesignated felony, and was sentenced to supervised probation for three (3) years that began December 16, 2019.

4. Respondent did not notify the Board of her arrest within ten (10) business days as required in A.R.S. § 32-3208.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and Respondent pursuant to A.R.S. § 32-4201 *et seq*.

2. The conduct and circumstances described in the Findings of Fact constitution a violation of A.R.S. §§ 32-4253(A)(4)("Being convicted of a felony or other offense involving moral turpitude or any conviction for prostitution, solicitation or another similar offense. A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.").

3. The Board may accept the surrender of a license from a person, pursuant to A.R.S. § 32-4254(O)(2), who admits in writing to any of the following: (2) Having committed an act subject to discipline pursuant to this Chapter. (Citations Omitted).

4. The conduct and circumstances described in the Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-3208(A)("A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health

professionals' regulatory board in writing within ten working days after the charge is filed.").

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the parties agree that Respondent hereby **VOLUNTARILY SURRENDERS** License Number MT-11478 to practice as a Massage Therapist in the State of Arizona.

DATED this 31st day of January, 2020.

ARIZONA STATE BOARD OF MASSAGE THERAPY

(Seal)

By: _____
Thomas Augherton
Executive Director

ORIGINAL of the foregoing filed
this 31st day of January, 2020, with:

Arizona State Board of Massage Therapy
1740 West Adams, Suite 3401
Phoenix, Arizona 85007

EXECUTED COPY of the foregoing mailed/emailed
this 31st day of January, 2020, to:

Kevin Crowley, Esq.
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Attorney for the Respondent

Jing Yun Zhang
4118 East Marlene Drive
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Respondent

COPY of the foregoing emailed this 31st day of January, 2020, to:

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Attorneys for the Board

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