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**BEFORE THE ARIZONA BOARD OF  
MASSAGE THERAPY**

**In the Matter of:**  
**Richard Davis,**  
**Holder of License No. MT-15248**

**Case No. 13-112**  
**FINDINGS OF FACT, CONCLUSIONS**  
**OF LAW, AND ORDER**

On November 25, 2013, the Arizona Board of Massage Therapy (the "Board") considered the State's Motion to Deem Allegations admitted. Elizabeth Campbell, Assistant Attorney General, appeared on behalf of the State. Neither Respondent nor an attorney for Respondent was present. Mary Jo Foster of the Solicitor General's Office was available to provide independent legal advice to the Board.

After reviewing the record and hearing from the parties, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-4254(H) and the Complaint and Notice of Hearing filed in this matter, the Board issues the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On October 18, 2012, female massage therapy client JB received a massage from Respondent.
2. During the massage, Respondent touched JB's genitals. In addition, Respondent placed JB's hand on the outside of his pants over his penis.

**CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. 32-4201 *et seq.*
2. The Board may discipline a massage therapist who has engaged in sexual activity with a client. A.R.S. § 32-4253(A)(15).

1 3. The conduct and circumstances described above with regard to JB constitute sexual  
2 activity in violation of A.R.S. § 32-4253(B)(2)(a) (“Sexual activity” means sexual conduct).  
3 “Sexual conduct” means any direct or indirect touching, fondling, or manipulating of any part of  
4 the genitals or anus by any part of the body or by any object or causing a person to engage in that  
5 conduct. A.R.S. § 32-4253(B)(3).

6 4. The conduct and circumstances described above with regard to JB constitute sexual  
7 activity in violation of A.R.S. § 32-4253(B)(2)(c) (“Sexual activity” means making sexual  
8 advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a  
9 sexual nature with a client).

10 5. The conduct and circumstances described above with regard to JB constitute grounds for  
11 disciplinary action under A.R.S. § 32-4253(A)(10) (Engaging in conduct that could result in  
12 harm or injury to the public).

13 **ORDER**

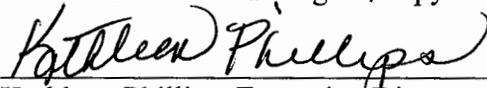
14 **IT IS HEREBY ORDERED** that Respondent’s license number MT-15248 is **Revoked**.

15 **NOTICE**

16 Any aggrieved party may appeal this decision by filing a written request for Rehearing or  
17 Review with the Board within thirty (30) days of service of this Decision. Service of this  
18 Decision is effective on personal delivery or **five** days after the date of mailing. A motion for  
19 Rehearing or Review shall conform to the requirements set forth in the Board’s rules at A.A.C.  
20 R4-15-401 and shall be served on the opposing party. The filing of a Motion for Rehearing or  
21 Review is required in order to exhaust a party’s administrative remedies. The failure to file a  
22 Motion for Rehearing or Review will preclude a party from seeking judicial review of this  
23 Decision.

24 Dated this 3rd day of December, 2013.

25 Arizona Board of Massage therapy

  
Kathleen Phillips, Executive Director

1 ORIGINAL of the foregoing filed this  
31<sup>st</sup> day of December, 2013, with:

2 Arizona Board of Massage Therapy  
3 1400 W Washington St, Suite 300  
4 Phoenix, AZ 85007

5 COPY of the foregoing sent certified mail  
6 this 31<sup>st</sup> day of December, 2013, to:

7 Richard Davis  
8 Address of Record  
9 Respondent/Licensee

10 COPY of the foregoing mailed/delivered this  
11 30<sup>th</sup> day of December, 2013, to:

12 Elizabeth Campbell  
13 Assistant Attorney General  
14 1275 W. Washington, CIV/LES  
15 Phoenix, AZ 85007

16 Mary Jo Foster, Assistant Attorney General  
17 Solicitor General's Office  
18 1275 W. Washington  
19 Phoenix, AZ 85007

20 By 