

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

3 In the Matter of:

BOARD CASE NOS. 19-133

4 **PHILLIP DOMINGUEZ**
5 Holder of License No. **MT-23587**
6 For the Practice as a Massage Therapist
7 In the State of Arizona,
8
9 Respondent.

DECISION AND ORDER

8 On May 20, 2019, the Arizona State Board of Massage Therapy (“Board”) held an
9 Administrative Hearing in the above referenced matter. Phillip Dominguez (“Respondent”)
10 appeared and represented by counsel Attorney Michelle Villanueva-Skura. Assistant Attorney
11 General Michael Raine represented the State. Assistant Attorney General, Mary D. Williams,
12 of the Licensing and Enforcement Section of the Attorney General’s Office, appeared in person
13 to provide independent legal advice to the Board. After considering all of the evidence and
14 arguments, the Board issues the following Findings of Fact, Conclusions of Law and Order
15 (“Decision and Order”):

16 **FINDINGS OF FACT**

- 17 1. On November 10, 2018, Respondent provided massage therapy services to client
18 AC at Massage Envy in Glendale, Arizona.
- 19 2. During the massage, Respondent engaged in draping techniques that innecessarily
20 exposed AC’s vulva and buttocks.
- 21 3. During the massage, Respondent’s hands repeatedly touched AC’s vulva.

22 **CONCLUSIONS OF LAW**

- 23 1. The conduct and circumstances described above constitute grounds for discipline
24 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter
25 or any board rule).

2. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to the public).

3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(14) (engaging in substandard care due to deliberate or negligent conduct, whether or not it results in actual injury to a client).

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(15) (engaging in any “sexual activity” with a client, as that term is defined in A.R.S. §§ 32-4253(B)(2)(a) (defining “sexual activity” to include “sexual conduct”), -4253(B)(3) (defining “sexual conduct” to include direct or indirect touching of the genitals to any part of the body), and -4253(B)(2)(d) (defining “sexual activity” to include intentionally viewing a disrobed client, if the viewing is unrelated to appropriate treatment and intended to appeal to the therapists’ prurient interest).

5. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of the profession) as it relates to Arizona Administrative Code R4-15-103(1)(e) (“Provide draping that ensures the safety, comfort, and privacy of the client.”).

6. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23) (violating Board statutes, rules, or orders).

ORDER

Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, the Board issues the following Order:

It is ordered **REVOKING** Respondent’s massage therapy license no. MT-23587 issued to Phillip Dominguez to practice as a massage therapist in the State of Arizona is hereby **REVOKED**.

/////

/////

1 The effective date of this Decision and Order is the date that is signed by Board's Executive
2 Director.

3 NOTICE OF APPEAL RIGHTS

4 Respondent is hereby notified that he has the right to request a rehearing or review by
5 filing a petition with the Board's Executive Director within 30 days after service of this
6 Decision and Order. Service of this Decision and Order is effective on the date of personal
7 delivery or five days after the date of mailing. A.R.S. § 41-1092.09. The request for a
8 rehearing or review must set forth legally sufficient reasons for granting a rehearing or review.
9 A.A.C. R4-15-401(C). If a motion for rehearing or review is not filed, the Board's Decision
10 and Order becomes effective 35 days after it is mailed to Respondent. Respondent is further
11 notified that the filing of a motion for rehearing or review is required to preserve any rights of
12 appeal to the Superior Court.

13 DATED this 12TH day of June, 2019.

14 ARIZONA STATE BOARD OF
15 MASSAGE THERAPY

16 By: 
Thomas Augheron, Executive Director

17 Original Decision and Order
18 filed this 12th day of June, 2019 with the:

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

21 Copy of the foregoing sent via
Regular and Electronic Mail
22 this 12th day of June, 2019 to:

23 Phillip Dominguez
518 N 16th Ave.
Phoenix, Arizona 85007
24 Phillipdominguez328@yahoo.com
Respondent

25 Michelle Villanueva-Skura
26 michelle@azlawyersplc.com
Attorney for Respondent

1 ///

2 Copy of the foregoing sent via Electronic Mail
3 This 12th day of June, 2019 to:

4 Michael Raine, Assistant Attorney General
5 Office of Arizona Attorney General-SGD/LES
6 2005 North Central Avenue
7 Phoenix, Arizona 85004
8 michael.raine@azag.gov
9 Attorney for the State

7 Mary D. Williams
8 Office of the Attorney General-SGD/LES
9 15 South 15th Avenue, 3rd Floor
10 Phoenix, Arizona 85007
11 *Independent Attorney Advisor*
12 MaryD.Williams@azag.gov

13 By:  _____