

**BEFORE THE ARIZONA BOARD
OF MASSAGE THERAPY**

In the Matter of

Christopher Edwards, LMT,

Holder of License No. MT-18741

As a Massage Therapist

In the State of Arizona

Board Case No. 15-137

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

On September 28, 2015, 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 Respondent’s attorney appeared at the Board meeting. Christopher Munns of the Solicitor General’s Office was available to provide independent legal advice to the Board.

After reviewing the record, 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.

PARTIES AND JURISDICTION

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-18741, which allows him to practice as a massage therapist in the State of Arizona.
3. Under A.R.S. § 32-4201, *et seq.*, the Board possess jurisdiction over the subject matter and over Respondent as a licensee of the Board.

FINDINGS OF FACT

1. On April 27, 2015, Respondent was convicted of Aggravated Assault/Domestic Violence, a Class 6 Undesignated Felony, in Maricopa County Superior Court Case No.

1 CR2014-156416.

2 2. Respondent failed to notify the Board that he had been charged with the offense
3 within 10 days.

4 **CONCLUSIONS OF LAW**

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

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

11 3. A class 6 Undesignated Felony is treated as a felony for all purposes until such time
12 as a court may actually enter an order designating the offense as a misdemeanor. A.R.S. § 13-
13 604(A).

14 4. The conduct described in the Findings of Fact paragraph 2, constitutes
15 unprofessional conduct under A.R.S. § 32-3208(A) and (D), which provide that it is
16 unprofessional conduct for a health professional who has been charged with a misdemeanor
17 involving conduct that may affect patient safety or a felony after receiving or renewing a license
18 or certificate to fail to notify the health professional's regulatory board in writing within 10
19 working days after the charge is filed.

20 **ORDER**

21 **IT IS HEREBY ORDERED** that Respondent's license is **Revoked**.

22 DATED this 30th day of September, 2015

23 **ARIZONA STATE BOARD OF MASSAGE
24 THERAPY**

25 By: 

26 Kathleen Phillips
Executive Director

NOTICE

1 Any aggrieved party may appeal this decision by filing a written request for Rehearing or
2 Review with the Board within thirty (30) days of service of this Decision. Service of this
3 Decision is effective on personal delivery or five days after the day of mailing. A Motion for
4 Rehearing or Review shall conform to the requirements set forth in the Board's rules at A.A.C.
5 R4-15-401 and shall be served on the opposing party. The filing of a Motion for Rehearing or
6 Review is required in order to exhaust a party's administrative remedies. The failure to file a
7 Motion for Rehearing or Review will preclude a party to seeking judicial review of this Decision.

8 ORIGINAL OF THE FORGOING FILED

9 this 30 day of September 2015, with:

10 Arizona Board of Massage Therapy
11 1400 West Washington, Suite 300
12 Phoenix, Arizona 85007

13
14 COPY OF THE FOREGOING MAILED

15 BY CERTIFIED & REGULAR FIRST-CLASS MAIL

16 this 30th day of September, 2015, to:

17 Christopher Edwards
18 (Address of Record)
19 Respondent

20 COPY OF THE FOREGOING MAILED

21 this 30th day of September, 2015, to:

22
23 Christopher Munns
24 Assistant Attorney General
25 1275 W. Washington Street, CIV/SGO

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Phoenix, Arizona 85007
Attorney for the Board

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

Storger

7014 3490 0001 4252 6569

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
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Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <i>Christopher Edwards</i>	
Street & Apt. No., or PO Box No. <i>202 W. Hermosa Dr #2F/104</i>	
City, State, ZIP+4 <i>Tempe, AZ 85282</i>	
PS Form 3800, July 2014 See Reverse for Instructions	

1 MARK BRNOVICH
Attorney General
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7681
6 Fax: (602) 364-3202
Attorneys for the State

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8 **BEFORE THE ARIZONA BOARD**
9 **OF MASSAGE THERAPY EXAMINERS**

10 In the Matter of

11 **CHRISTOPHER EDWARDS, LMT**

12 Holder of License No. MT-18741
As a Massage Therapist
13 In the State of Arizona

Board Case No. 15-137

MOTION TO DEEM

14
15 The State of Arizona hereby requests that the Arizona Board of Massage Therapy
16 Examiners (the "Board") vacate the hearing set for September 28, 2015, at 11:00 a.m. and
17 deem the allegations contained in the Board's Complaint and Notice of Hearing admitted
18 pursuant to A.R.S. § 32-4254(H). A copy of the Complaint and Notice of Hearing is
19 attached.

20 The Complaint and Notice of Hearing notified Respondent that, pursuant to A.R.S.
21 § 32-4254(H), Respondent was required to prepare and file with the Board a written
22 Answer to the allegations in the Complaint within 30 days after service. It further
23 notified Respondent that the Board could consider Respondent's failure to respond within
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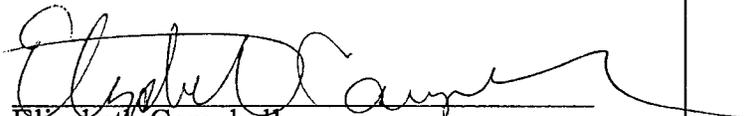
1 30 days an admission by default to the allegations stated in the Complaint and that the
2 Board could then take disciplinary action without conducting a hearing.

3 The Complaint and Notice of Hearing was mailed by first-class and certified mail
4 on August 20, 2015, to Respondent's address of record with the Board. Notice of a
5 complaint and hearing is effective by a true copy of it being sent by certified mail to the
6 licensee's last known address if record. A.R.S. § 32-4254(N). Notice of the complaint
7 is complete on the date of its deposit in the mail. *Id.*

8 Respondent has failed to file an Answer within the time permitted by statute. As
9 such, the State requests that the scheduled hearing be vacated and that the allegations
10 contained in the Complaint and Notice of Hearing be deemed admitted pursuant to A.R.S.
11 § 32-4254(H).
12

13 RESPECTFULLY SUBMITTED this 28th day of September, 2015.
14

15 MARK BRNOVICH
16 Attorney General

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18 Elizabeth Campbell
19 Assistant Attorney General

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25 *HAND DELIVERED AT MEETING ON September 28, 2015
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**BEFORE THE ARIZONA BOARD
OF MASSAGE THERAPY EXAMINERS**

In the Matter of
CHRISTOPHER EDWARDS, LMT,
Holder of License No. MT-18741
As a Massage Therapist
In the State of Arizona

Board Case No. 15-137

**COMPLAINT AND NOTICE OF
HEARING**

I. NOTICE OF PUBLIC HEARING.

YOU ARE HEREBY NOTIFIED, the Arizona Board of Massage Therapy (“Board”) will conduct an administrative hearing at the following place and time, to determine whether grounds exist to revoke or take other action regarding Massage Therapist License No. MT-18741 held by Christopher Edwards (“Respondent”):

**Arizona Board of Massage Therapy
1400 West Washington, Basement Meeting Room B-1
Phoenix, Arizona 85007
On September 28, 2015, at 11:00 a.m.**

and continuing on successive days until concluding, concerning the matters set forth in this Complaint and Notice of Hearing, at which time and place, evidence, testimony and argument in support of the charges set forth in the Complaint will be presented. If you desire to make a defense to the charges at the hearing, you may appear at the hearing in person and may be represented by legal counsel and may at that time cross-examine the witnesses against you and present testimony of witnesses, evidence and argument in your own behalf.

Pursuant to A.R.S. § 41-1092.06, Respondent has the right to request an informal settlement conference by filing a written request with the Board, no later than twenty (20)

1 days before the scheduled hearing. The conference will be held within fifteen (15) days
2 after receipt of the request. Respondent waives any right to object to the participation of
3 the Board's representative in the final administrative decision of the matter if it is not
4 settled at the conference.

5 **Whether or not you intend to appear at the hearing, pursuant to A.R.S. § 32-**
6 **4254(H), YOU ARE REQUIRED to prepare and file a written Answer to the**
7 **allegations alleged in the above Complaint with the Board within 30 days after**
8 **service of this Complaint and Notice of Hearing.** Your Answer must be in writing and
9 filed with the Board within thirty (30) days after service of the Complaint. *Id.* **THE**
10 **BOARD MAY CONSIDER YOUR FAILURE TO RESPOND WITHIN THIS TIME**
11 **AS YOUR ADMISSION BY DEFAULT TO THE ALLEGATIONS STATED IN**
12 **THE COMPLAINT.** *Id.* The Board may then take disciplinary action without
13 conducting a hearing. If you Answer and fail to appear for the hearing, the Board may
14 proceed in your absence. If you desire to waive a hearing and not contest the facts herein
15 alleged, you may file an Answer consisting of a declaration that the material allegations
16 of the Complaint are admitted.

17 After the hearing, if the Board determines that you have committed unprofessional
18 conduct, or otherwise violated the Board's statutes and rules, the Board may revoke or
19 suspend your license, impose a civil penalty of up to \$10,000 for each violation, issue a
20 decree of censure, impose probation, order the payment of restitution, and/or take other
21 disciplinary action. A.R.S. § 32-4254. If the Board determines that you have violated the
22 Board's statutes or rules, it may also charge you the costs of the formal hearing. A.R.S. §
23 32-4254(K).

24 In accordance with Title II of the Americans with Disabilities Act (ADA), the
25 Board does not discriminate on the basis of disability in admission to and participation in
26

1 hearings. Should you, or anyone you call as a witness need special accommodations,
2 please contact the Board office at (602) 542-8225 at least three working days before the
3 hearing.

4 Pursuant to A.R.S. § 32-3206, you have the right to request a copy of the
5 following information from the Board:

- 6 1. Any review conducted by an expert or consultant providing an evaluation
7 of or opinion on the allegations.
- 8 2. Any records on the patient obtained by the board from other health care
9 providers.
- 10 3. The results of any evaluations or tests of the health professional conducted
at the board's direction.
- 11 4. Any other factual information that the board will use in making its
12 determination.

13 Please be advised that if you obtain the above-referenced information from the Board,
14 you may not release it to any other person or entity or use it in any proceeding or action
15 except the administrative proceeding or appeals related to the administrative proceeding.
16 Violation of this restriction constitutes an act of unprofessional conduct per A.R.S. § 32-
17 3206(B). Also, please be advised that pursuant to A.R.S. § 32-3206(C), you or your
attorney may be charged for the cost of providing the information received up to the fee
for making a copy of each page as prescribed by A.R.S. § 12-284(A).

18 PARTIES AND JURISDICTION

19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of massage therapy in the State of Arizona.

21 2. Respondent is the holder of license number MT-18741, which allows him to
22 practice as a massage therapist in the State of Arizona.

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

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1 FACTUAL ALLEGATIONS

2 1. On April 27, 2015, Respondent was convicted of Aggravated
3 Assault/Domestic Violence, a Class 6 Undesignated Felony, in Maricopa County Super
4 Court Case No. CR2014-156416.

5 2. Respondent failed to notify the Board that he had been charged with the
6 offense within 10 days after the charge was filed.

7 ALLEGED VIOLATIONS

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

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

15 3. A Class 6 Undesignated Felony is treated as a felony for all purposes until
16 such time as a court may actually enter an order designating the offense as a
17 misdemeanor. A.R.S. § 13-604(A).

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

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DATED this 20th day of August, 2015.

ARIZONA BOARD OF MASSAGE
THERAPY

By: 
KATHLEEN PHILLIPS,
Executive Director

ORIGINAL OF THE FORGOING FILED
this 20th day of August, 2015, with:

Arizona Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 20th day of August, 2015, to:

Christopher Edwards
Address of Record
Respondent

COPY OF THE FOREGOING MAILED
this 20th day of August, 2015, to:

Christopher Munns
Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007
Attorney for the Board

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

S. Conger
