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BEFORE THE ARIZONA BOARD OF
MASSAGE THERAPY EXAMINERS

In the Matter of:

MICHAEL ESCOBEDO, LMT,

Holder of License No. MT-21246
As a Massage Therapist in the
State of Arizona,

Respondent.

Board Case No. 21-124

CONSENT AGREEMENT FOR NON-
DISCIPLINARY CONTINUING
EDUCATION

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.*, Michael Escobedo ("Respondent"), holder of Massage Therapist License Number MT-21246 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.

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

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

5 5. Respondent understands this Consent Agreement deals with Board case number
6 21-124 involving allegations that Respondent engaged in conduct that would subject
7 Respondent to discipline under the Board's statutes and rules. The investigation into
8 these allegations against Respondent shall be concluded upon the execution of this
9 Consent Agreement.

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

14 7. All admissions Respondent makes in this Consent Agreement are made solely for
15 the final disposition of this matter, and any related administrative proceedings or civil
16 litigation involving the Board and Respondent. This Consent Agreement is not intended
17 to be used for any other regulatory agency proceedings, or civil or criminal proceedings,
18 whether in the State of Arizona or any other state or federal court, except related to the
19 enforcement of the Consent Agreement itself.
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21 8. Notwithstanding any language in this Consent Agreement and Order, this Consent
22 Agreement and Order does not preclude in any way any other State agency or officer or
23 political subdivision of this state from instituting proceedings, investigating claims, or
24 taking legal action as may be appropriate now or in the future relating to this matter or
25 other matters concerning Respondent, including but not limited to, violations of Arizona's
26 Consumer Fraud Act. Respondent acknowledges that, other than with respect to the
27 Board, this Consent Agreement and Order makes no representations, implied or
28 otherwise, about the views or intended actions of any other state agency or officer or

1 political subdivisions of the State relating to this matter or other matters concerning
2 Respondent.

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

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8 10. Respondent acknowledges and agrees that, upon signing this Consent Agreement
9 and returning this document to the Board's Executive Director, Respondent may not
10 revoke Respondent's acceptance of the Consent Agreement or make any modifications to
11 the document regardless of whether the Consent Agreement has been signed by the
12 Executive Director. Any modification to this original document is ineffective and void
13 unless mutually agreed by the parties in writing.

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

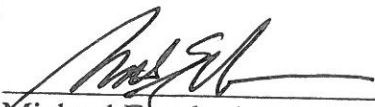
16 12. If a court of competent jurisdiction rules that any part of this Consent Agreement
17 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain
18 in full force and effect.

19
20 13. Respondent understands that this Consent Agreement is a public record.

21 14. Respondent understands that any violation of this Consent Agreement and Order
22 constitutes unprofessional conduct pursuant to A.R.S. § 32-4253(23).

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

1 **ACCEPTED AND AGREED BY RESPONDENT**

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5 Michael Escobedo
6 Respondent

Dated: 3/25/2021

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9 **FINDINGS OF FACT**

- 10 1. Respondent is the holder of license number MT-21264 to practice as a Massage
11 Therapist in the State of Arizona.
- 12 2. On December 19, 2020, the Board received a complaint against the Respondent by
13 DF, who was a coworker of the Respondent.
- 14 3. Upon deliberation and review at its February 22, 2021, meeting the Board voted to
15 offer this non-disciplinary consent agreement for continuing education, to rehabilitate and
16 educate the Respondent.

17
18 **CONCLUSIONS OF LAW**

- 19 1. The Board is the duly constituted authority for licensing and regulating the
20 practice of massage therapy in the State of Arizona pursuant to A.R.S. § 32-4201, *et seq.*
- 21 2. The Board possesses jurisdiction over the subject matter and Respondent pursuant
22 to A.R.S. § 32-4201 *et seq.*
- 23 3. The conduct and circumstances described in the foregoing Findings of Fact does
24 not constitute unprofessional conduct, and pursuant to A.R.S. § 32-4254(D), the Board
25 addressed Respondent's conduct through the offer of a non-disciplinary consent
26 agreement, as the final resolution in this matter.

1 4. The Board has the authority to enter into an agreement with the licensee to
2 rehabilitate, retrain and require continuing education in an area or areas prescribed by the
3 Board pursuant to A.R.S. § 32-4254(D).

4 **NON-DISCIPLINARY ORDER**

5 Based upon the above Findings of Fact and Conclusions of Law and under the
6 authority granted to the Board, **IS HEREBY ORDERED THAT:**

7 1. Respondent shall complete Eight hours of Board staff pre-approved
8 continuing education hours in the areas of ethics and client communication with-in Six
9 months of the effective date of the Order. These continuing education hours are in
10 addition to the hours required for licensure renewal. Respondent is required to submit
11 proof of successful completion to Board staff.

12 2. Respondent is responsible for all costs associated with complying with this
13 Order.

14 3. Respondent's failure to comply with this Order by timely completing the
15 appropriate continuing education hours may subject Respondent to disciplinary action by
16 the Board pursuant to A.R.S. § 32-4253(A)(23).

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20 DATED this 1st day of April, 2021.

21
22
23 ARIZONA STATE BOARD OF MASSAGE
24 THERAPY

25 (Seal)

26
27 By: _____

28 Thomas Augherton
Executive Director

1 ORIGINAL of the foregoing filed
this 1st day of April, 2021, with:

2 Arizona State Board of Massage Therapy
3 1740 West Adams, Suite 3401
4 Phoenix, Arizona 85007

5 EXECUTED COPY of the foregoing sent U.S. Certified Mail and Email
this 1st day of April, 2021, to:

6 Michael Escobedo
7 8709 West Hammond Lane
8 Tolleson, Arizona 85353
9 Respondent

10 COPY of the foregoing sent by Email
this 1st day of April, 2021, to:

11 Seamus Monaghan
12 Assistant Attorney General
13 2005 North Central Avenue, SGD/LES
14 Phoenix, Arizona 85007
15 seamus.monaghan@azag.gov

16 Attorney for the Arizona State Board of Massage Therapy AM

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