

**BEFORE THE ARIZONA STATE BOARD OF  
MESSAGE THERAPY EXAMINERS**

In the Matter of:	)	Case Nos. 22-110 and 22-168
	)	
<b>STEPHEN FAULSTICH</b>	)	
Holder of License No. <b>22301</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
For the Practice of Massage Therapy	)	<b>ORDER FOR REVOCATION</b>
In the State of Arizona	)	
_____	)	

The Arizona State Board of Massage Therapy (“Board”) held a Formal Administrative Hearing on Monday, March 28, 2022, at 9:30 a.m. in the matter of Stephen Faulstich, LMT. Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona. Monique Coady, Assistant Attorney General, appeared as independent advice counsel for the Board. The Respondent was present and not represented by counsel. Following the presentation of the State’s Motion to Deem and testimony by the Respondent, the Board moved to adopt the States Motion and the following Findings of Fact, Conclusions of Law, and Order for Revocation of licensure. The Order is immediately effective pursuant to Arizona Administrative Code (A.A.C.) R4-15-401(F).

**FINDINGS OF FACT**

1. The Arizona State Board of Massage Therapy is the duly constituted agency for licensing and regulating of the practice of massage therapy in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to Arizona Revised Statute (A.R.S.) § 32-4201, *et seq.*

2. Respondent is the holder of license number MT-22301, which allows Respondent to practice as a massage therapist in the State of Arizona.

**Complaint 21-110**

3. On August 4, 2021, the Board received information from HP that from October 2020 to May 2021 the Respondent committed multiple actionable violations of Board statute and rule while providing massage therapy services to KH. Specifically, the complaint alleged that the

1 Respondent started making advances on KH in October of 2020, instructing her to contact him  
2 personally for appointments and not to use the company's appointment application.

3 4. The complaint alleges that the Respondent started texting HP more frequently  
4 over the next several months including flirting with her over texts. During this same time period  
5 the complaint alleges that the Respondent started hugging and kissing HP when she would arrive  
6 or depart from her appointments.

7 5. The complaint alleges that the massage therapy services during this period  
8 became more unprofessional including Respondent allowing the draping to fall exposing HP's  
9 nipple and buttocks. During one of these sessions the Respondent is alleged to have touched  
10 HP's breast without oral permission and also touched her vagina.

11 6. HP cancelled her June 2021 appointment and notified Respondent's employer  
12 Bella Body in Tucson as well as the Board. The Respondent was subsequently terminated from  
13 Bella Body.

14 7. The Board held a formal interview in the above matter on January 24, 2022, and  
15 based on the facts presented and the testimony from HP, the Board voted to move the matter to  
16 formal hearing.

### 17 **Complaint 22-168**

18 8. On January 03, 2022, a complaint was received from "KH" alleging that the  
19 Respondent committed multiple actionable violations of Board statute and rule while receiving  
20 massage therapy services from the Respondent in March of 2021. The complaint stated that KH  
21 is a licensed massage therapist. The complaint specifically alleged that, "When psoas work was  
22 performed my breast tissue was exposed and I immediately grabbed the sheet to cover myself.  
23 He watched the entire time it happened." The complaint also alleged that while working KH's  
24 adductors, the Respondent was massaging very close to her genitals but did not in fact touch  
25 them. KH stated that she was just out of massage school and had never been massaged that way.

26 9. On January 04, 2022, Board Staff telephonically interviewed complainant "KH".  
KH stated that she is a licensed massage therapist and went to Bella Body in Tucson Arizona for

1 a massage. KH stated while receiving the massage from the complainant the sheet came off her  
2 breasts and Respondent just stared at her breasts. KH also stated Respondent made her feel very  
3 uncomfortable talking about sex and the other women's body's he's massaged. KH also stated  
4 when adductors were worked she felt he was too close to her genitals, making her feel  
5 uncomfortable, but denied he actually touched her genitals.

6 10. On January 18, 2022 Board Staff telephonically interviewed Respondent.  
7 Respondent denied remembering any incident with KH. Respondent also stated that he has the  
8 patient hold the sheet over their breasts while doing psoas work.

9 11. The Board met to discuss the investigative report in the above matter at its  
10 January 24, 2022, regular Board meeting and based on the facts presented the Board moved to  
11 consolidate both of Respondent's pending matters for the purpose of formal hearing.

12 12. The Board held a formal hearing for both of the above-mentioned matters on  
13 March 28, 2022. Following the formal hearing the Board adopted the state's Motion to Deem  
14 and ordered the revocation of Respondent's license.

15 **CONCLUSIONS OF LAW**

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

18 2. The Board has authority pursuant to Arizona Administrative (A.A.C.) Code R4-  
19 15-401(F), to issue a final decision without an opportunity for rehearing or review if the Board  
20 determines that immediate effectiveness of it is necessary for the preservation of public health  
21 and safety and determines that a rehearing or review of the decision is impracticable,  
22 unnecessary or contrary to the public interest.

23 2. The conduct and circumstances described above constitute grounds for discipline  
24 pursuant to A.R.S. § 32-4253(A)(6), which states, "engaging in any act or practice in violation of  
25 this chapter or any board rule or aiding, abetting or assisting any other person in the violation  
26 these provisions or rules."

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

4           4.       The conduct and circumstance described above constitute grounds for discipline  
5 pursuant to A.R.S. § 32-4253(A)(15), which states, “engaging in sexual activity with a client,” as  
6 it relates to A.R.S. § 32-4253(B)(2)(c) which defines “sexual activity” as, “making sexual  
7 advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a  
8 sexual nature with a client,” AND A.R.S. § 32-4253(B)(2)(d) which defines “sexual activity” as,  
9 “intentionally viewing a completely or partially disrobed massage therapy client in the course of  
10 treatment if the viewing is not related to treatment under current practice standards and is  
11 intended to appeal to the prurient interest of the massage therapy client or the massage therapist,”  
12 AND A.R.S. § 32-4253(B)(2)(e), which defines “sexual activity” as, “Massaging, touching or  
13 applying any instrument or device by a licensee in the course of practicing or engaging in  
14 massage therapy to the breasts of a female client unless the client requests breast massage and  
15 signs a written consent form. If the client is a minor, the consent form must include the signature  
16 of the client's parent or legal guardian authorizing the procedure and outlining the reason for the  
17 procedure before the procedure is performed.”

18           5.       The conduct and circumstance described above constitute grounds for discipline  
19 pursuant to A.R.S. § 32-4253(A)(15), which states, “engaging in sexual activity with a client,” as  
20 it relates to A.R.S. § 32-4253(B)(2)(a) which defines “sexual activity” as, “sexual conduct” as it  
21 relates to A.R.S. § 32-4253(B)(3) which defines “sexual conduct” as “any direct or indirect  
22 touching, fondling or manipulating of any part of the genitals or anus by any part of the body or  
23 by any object or causing a person to engage in that conduct.”

24           6.       The conduct and circumstances described above constitute grounds for discipline  
25 pursuant to A.R.S. § 32-4253(A)(16), which states, “failing to adhere to the recognized standards  
26 and ethics of the massage therapy profession.”



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Original Findings of Fact, Conclusions  
Of Law, and Order for Revocation of License to  
Practice Massage Therapy filed  
this 29<sup>th</sup> day of March, 2022 with the:

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

Copy of the foregoing sent by Electronic,  
Certified and Regular mail  
This 29<sup>th</sup> day of March, 2022 to:

Stephen Faulstich  
Address of Record  
*Respondent*

Copy of the foregoing sent by email  
This 29<sup>th</sup> day of March, 2022 to:

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