

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3)
4 Hui Fitzgerald, LMT)
5)
6 License No. MT-13308)
7 As a Massage Therapist)
8 In the State of Arizona)
9

Case No. 14-123

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

10 On September 22, 2014, the Arizona Board of Massage Therapy (the Board) considered
11 the State’s Motion to Deem Allegations admitted. Elizabeth Campbell, Assistant Attorney
12 General, appeared on behalf of the state. Chris Munns of the Solicitor General’s Section of the
13 Attorney General’s Office was present and available to provide independent legal advice to the
14 Board. Neither Respondent nor an attorney for Respondent was present.

15 After reviewing the record and hearing from the parties, the Board granted the State’s
16 Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-4252(H) and the Complaint and
17 Notice of Hearing filed in this matter, the Board issues the following Findings of Fact,
18 Conclusions of Law, and Order.

19 **FINDINGS OF FACT**

20 1. On or about April 24, 2014, in Maricopa County Superior Court Case No. CR2013-
21 448098, Respondent was convicted of Attempted Operation or Maintaining a House of
22 Prostitution, a Class 1 Misdemeanor. Respondent remains on probation for this offense.

23
24 **CONCLUSIONS OF LAW**

25 1. The conviction described above is grounds for discipline under A.R.S. § 32-4253(A)(4)
26 (Being convicted of a felony or other offense involving moral turpitude or conviction for
27 prostitution, solicitation or another similar offense. A conviction by a court of competent
28 jurisdiction is conclusive evidence of the commission of the crime).

1 2. The conviction described above is grounds for discipline under A.R.S. § 32-4253(A)(6)
2 (Engaging in any act or practice in violation of this chapter or any Board rule or aiding, abetting,
3 or assisting any other person in the violation of these provisions or rules).

4 3. The conviction described above constitutes grounds for revocation of the license under
5 A.R.S. § 32-4254(G) (if after a formal proceeding the Board finds that a licensee has been
6 convicted of prostitution, solicitation, or another similar offense, the Board shall revoke the
7 license).

8
9 **ORDER**

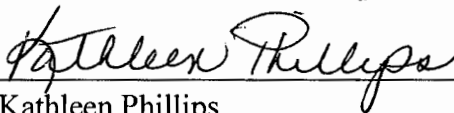
10
11 **IT IS HEREBY ORDERED** that Respondent's license number MT-13308 is **REVOKED**.

12
13 **NOTICE**

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

21 Dated and signed this 1st day of October, 2014.

22 ARIZONA BOARD OF MASSAGE THERAPY

23 By: 
24 Kathleen Phillips
25 Executive Director
26

27 ORIGINAL OF THE FOREGOING FILED
28 This 1st day of October, 2014 with the:
29 Arizona State Board of Massage Therapy
30 1400 West Washington, Suite 300

1 Phoenix, AZ 85007

2

3 EXECUTED COPY OF THE FOREGOING MAILED
4 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
5 this 1st day of October, 2014, to:

6

7 Hui Fitzgerald
8 Address of Record
9 Respondent

10

11 COPY OF THE FOREGOING MAILED
12 this 1st day of October, 2014, to:

13 Christopher Munns
14 Assistant Attorney General
15 1275 W. Washington Street, CIV/SGO
16 Phoenix, Arizona 85007
17 Attorney for the Board

18

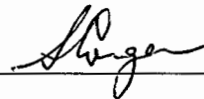
19 Elizabeth Campbell
20 Assistant Attorney General
21 1275 W. Washington Street, CIV/LES
22 Phoenix, Arizona 85007
23 Attorney for the State

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27

A handwritten signature in cursive script, appearing to read "L. H. ...", is written above a horizontal line.

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