



State of Arizona
Governor
Janice K. Brewer

Arizona State Board of Massage Therapy

1400 W. Washington, Ste. 300 ♦ Phoenix, AZ 85007
Voice Telephone: 602-542-8604 ♦ Fax: 602-542-8804
Website: www.massageboard.az.gov ♦ Dr. Craig Runbeck, Executive
Director

December 14, 2011

Gloria Garbaciak
13310 N 130th Lane
El Mirage, Arizona 85335

Dear Ms. Garbaciak:

On November 8, 2011, you pleaded guilty to securing proceeds of an offense in Maricopa County Superior Court Case No. CR2011-005314. As part of the plea agreement, you agreed to surrender your massage therapy license for a period of not less than five years. In order to complete the surrender process at the Board, I am sending you a consent agreement to review and sign. We need the signed consent agreement at the Board as soon as possible and no later than January 16, 2012. Please send the signed consent agreement back to the Board office at the address above.

The consent agreement is subject to Board approval. At its Board meeting on January 23, 2012, the Board will decide whether to accept it by majority vote. We need to receive the signed consent agreement by January 16, 2012 so that it can be disseminated to the Board members.

If you have any questions, Please call the number above.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Phillips".

Kathleen Phillips
Deputy Director

1 THOMAS C. HORNE
Attorney General
2 (Firm State Bar No. 14000)

JAN 11 2012

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

7 Attorneys for the Arizona Board of Massage Therapy

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

10 In the Matter of

11 **GLORIA GARBACIAK,**

12 Holder of License No. MT-02161P
As a Massage Therapist
13 In the State of Arizona

Board Case No. 11-120

**CONSENT AGREEMENT FOR
SURRENDER**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona Board of
17 Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Gloria Garbaciak
18 ("Respondent"), holder of Massage Therapist License Number MT-02161P in the State
19 of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
21 matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning this matter at which hearing she could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

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

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

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 11-120 involving allegations of unprofessional conduct against Respondent. The
13 investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

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

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

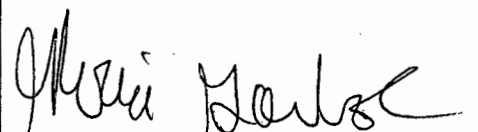
4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

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

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent agrees that the Board will adopt the following Findings of Fact,
20 Conclusions of Law and Order.

21
22 ACCEPTED AND AGREED BY RESPONDENT

23
24 
25 Gloria Garbaciak

26
Dated: 1-11-2012

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for licensing and regulating
3 massage therapists in the State of Arizona.

4 2. On November 8, 2011, Respondent pleaded guilty to securing proceeds of
5 an offense, a class 6 undesignated felony, in Maricopa County Superior Court Case No.
6 CR2011-005314. As part of that plea agreement, Respondent agreed to surrender her
7 massage therapy license for a period of not less than five years.
8

9 3. Respondent's conviction constitutes grounds for discipline under A.R.S. §
10 32-4253(A)(10) (Engaging in conduct that could result in harm or injury to the public).
11

12 **CONCLUSIONS OF LAW**

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

15 2. The Board possesses statutory authority to enter into a consent agreement
16 with a massage therapist and accept the surrender of an active license from a massage
17 therapist who admits to having committed an act, which would subject her to discipline
18 under the Board's statutes or rules. A.R.S. § 32-4254(N)(2).

19 **ORDER**

20 IT IS HEREBY ORDERED THAT License Number MT-02161P issued to Gloria
21 Garbaciak to practice as a massage therapist in the State of Arizona is hereby
22 surrendered.

23 ...

24 ...

25 ...

26 ...

1 DATED and effective this 23rd day of January, 2011¹².

2
3 ARIZONA BOARD OF MASSAGE THERAPY

4 SEAL

5 
6 Kathleen Phillips
Deputy Director

7 ORIGINAL OF THE FORGOING FILED
8 this 14th day of December, 2011, with:

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

11 EXECUTED COPY OF THE FOREGOING MAILED
12 BY CERTIFIED MAIL
this 14th day of December, 2011, to:

13 Gloria Garbaciak
14 13310 N. 130th Lane
El Mirage, Arizona 85335
Respondent

15 EXECUTED COPY OF THE FOREGOING MAILED
16 this 14th day of December, 2011, to:

17 T. Clark Dove, Esq.
18 T. Clark Dove Law Office
7000 North 16th Street, Suite 120-144
Phoenix, Arizona 85020

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

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23 #2521301
24
25
26



State of Arizona
Governor
Janice K. Brewer

Arizona State Board of Massage Therapy

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Website: www.massageboard.az.gov ♦ Dr. Craig Runbeck, Executive
Director

January 23, 2012

Gloria Garbaciak
13310 N 130th Lane
El Mirage, Arizona 85335

Dear Ms. Garbaciak:

On January 23, 2012, the Arizona State Board of Massage Therapy (Board) voted to accept the consent agreement for surrender of your license signed by you on January 11, 2012.

I am sending you a copy of the consent agreement signed by me.

If you have any questions, please call me at the number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Phillips".

Kathleen Phillips
Deputy Director