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REC'D JUN 14 2013

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7 Attorneys for the Arizona State Board of Massage Therapy

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

10 In the Matter of  
11 **GUSTAV GIBSON,**  
12 Holder of License No. MT-01308P  
As a Massage Therapist  
13 In the State of Arizona

Board Case No. 12-122

**CONSENT AGREEMENT  
FOR SUSPENSION AND  
PROBATION**

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 State Board  
17 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Gustav Gibson  
18 ("Respondent"), holder of Massage Therapist License Number MT-01308P 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 he has a right to a public administrative  
2 hearing concerning this matter, at which hearing he 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 him.

11          5.     Respondent understands this Consent Agreement deals with Board case  
12 number 12-102 involving allegations that Respondent engaged in conduct that would  
13 subject him to discipline under the Board's statutes and rules. The investigation into  
14 these allegations against Respondent shall be concluded upon the Board's adoption of  
15 this Consent Agreement.

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

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

24          8.     Respondent acknowledges and agrees that, upon signing this Consent  
25 Agreement and returning this document to the Board's Executive Director, he may not  
26

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

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

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

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

20       12. Respondent understands that any violation of this Consent Agreement may  
21 result in disciplinary action. A.R.S. § 32-4253(A)(23).

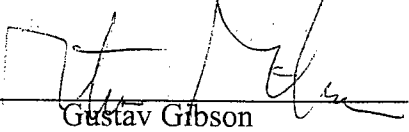
22       13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.

24 ...

25 ...

26

1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 Gustav Gibson

Dated: June 6<sup>th</sup> 2013

4 **FINDINGS OF FACT**

5 1. The Board is the duly constituted authority for licensing and regulating the  
6 practice of Massage Therapy in the State of Arizona.

7 2. Respondent is the holder of license number MT-01308P to practice as a  
8 Massage Therapist in the State of Arizona. Respondent has been licensed as a massage  
9 therapist in Arizona since August 2004.

10 3. For approximately two months in late 2011, Respondent was associated  
11 with the Goddess Temple in Phoenix, Arizona. Patrons of the Goddess Temple provided  
12 monetary "donations" to the Goddess Temple for sexual services received.  
13

14 4. On July 24, 2012, Respondent pleaded guilty to Facilitation to Commit  
15 Illegal Control of an Enterprise, a class 6 undesignated felony, in Maricopa County  
16 Superior Court Case No. CR2011-007595.  
17

18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter and over  
20 Respondent pursuant to A.R.S. § 32-4201 *et seq.*  
21

22 2. The conduct and circumstances described in the Findings of Fact is grounds  
23 for discipline under A.R.S. § 32-4253(A)(4) (being convicted of a felony).

24 3. The conduct and circumstances described in the Findings of Fact is grounds  
25 for discipline under A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized  
26 standards and ethics of the massage therapy profession).

1 ORDER

2 Based upon the above Findings of Fact and Conclusions of Law, the Board issues  
3 the following Order:

4 1. Respondent's Massage Therapist License No. MT-01308P is immediately  
5 suspended for a period of 30 days.

6 2. Immediately following the period of suspension, Respondent's license shall  
7 be placed on probation for a period 12 months, subject to the following terms and  
8 conditions:

9 a. Respondent shall complete 30 hours of Board staff pre-approved  
10 continuing education in professional and personal ethics and provide  
11 documentation proving successful completion of the required continuing  
12 education to the Board. These continuing education hours shall be in  
13 addition to the hours required for the renewal of Respondent's massage  
14 therapist license under A.R.S. § 32-4225.

15 b. No sooner than twelve (12) months from the beginning of  
16 Respondent's probationary period, Respondent shall request in writing that  
17 the Board terminate his probation. Respondent's request for termination  
18 will be considered at a regularly scheduled Board meeting. Respondent is  
19 required to personally appear at that Board meeting. Respondent's  
20 probationary period will continue until Respondent's request for  
21 termination is received and the Board terminates the probation.

22 c. Throughout the term of Respondent's probation, Respondent shall  
23 furnish all massage therapy employers with a copy of this Consent  
24 Agreement.

1 d. Respondent shall pay all necessary fees and complete all continuing  
2 education requirements throughout the term of his probation to maintain  
3 Massage Therapist License No. MT-01308P.

4 e. Throughout the term of Respondent's probation, Respondent shall  
5 personally appear before the Board when requested to do so by the Board  
6 or Board staff.

7 f. Respondent shall obey all federal and state laws and rules governing  
8 the practice of Massage Therapists.

9 3. Within 6 months of the effective date of this Consent Agreement,  
10 Respondent shall pay a civil penalty in the amount of \$1,000.

11 4. Respondent shall pay all costs associated with complying with this Consent  
12 Agreement.

13 5. If Respondent violates this Order in any way or fails to fulfill the  
14 requirements of this Order, the Board, after giving the Respondent notice and the  
15 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
16 Respondent's license. The issue at such a hearing will be limited solely to whether this  
17 Order has been violated.

18 DATED this 22 day of July, 2013.

19  
20 ARIZONA STATE BOARD OF MASSAGE  
21 THERAPY

22 (Seal)

23 By: Kathleen Phillips  
24 KATHLEEN PHILLIPS  
25 Executive Director  
26

1 ORIGINAL OF THE FORGOING FILED  
this 22 day of July, 2013, with:

2 Arizona State Board of Massage Therapy  
3 1700 West Washington, Suite 250  
4 Phoenix, Arizona 85007

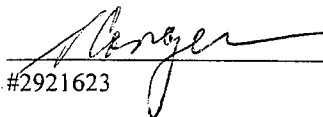
5 EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL  
this 22<sup>nd</sup> day of July, 2013, to:

6 Gustav Gibson  
7 Address of Record  
8 Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED  
this 27<sup>th</sup> day of July, 2013, to:

10 Shannon L. Peters, Esq.  
11 JOY BERTRAND ESQ. LLC  
12 PO Box 2734  
13 Scottsdale, Arizona 85252  
14 Attorney for Respondent

15 Elizabeth A. Campbell  
16 Assistant Attorney General  
17 1275 W. Washington Street, CIV/LES  
18 Phoenix, Arizona 85007  
19 Attorney for the Board

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