

1 **ARIZONA STATE BOARD OF MASSAGE THERAPY**
2 1400 W. Washington, Suite 300
3 Phoenix, Arizona 85007
4 (602) 542-8604

5 In the Matter of

6 **EDWARD GOMILLION**
7 Holder of Massage License No. MT-04378P
8 for the Practice of Massage in the State of
9 Arizona

**FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
Number 07-106**

10 Pursuant to Notice of Hearing Number 07-106 (Notice) this matter came before the Arizona
11 State Board of Massage (Board) on June 22, 2009.

12 Dennis Beye, president, presided with members Susan Pomfret, Jennifer Coomes and John
13 Ortega in attendance.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell,
15 Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the Solicitor
16 General's Section of the Attorney General's Office was present and available to provide independent
17 legal advice to the Board. Edward Gomillion, (Respondent) was present and was not represented by an
18 attorney.
19

20
21 The Board, after considering the testimony and evidence presented, hereby issues the following
22 Findings of Fact, Conclusions of Law, and Order.

23 **PARTIES AND JURISDICTION**

24
25 1. The Board is the duly constituted authority for licensing and regulating the practice of
26 massage in the State of Arizona.

27 2. Respondent is the holder of license number MT-04378P which allows him to practice
28 as a massage therapist in the State of Arizona.
29

1 form of credit hours from the college. The course(s) shall be pre-approved by Board
2 staff and shall be in addition to the requirements of A.R.S. § 32-4225(E).

- 3
- 4 2. During the term of probation, Respondent shall pay a civil penalty of one thousand
5 dollars (\$1,000.00).
- 6 3. During the term of probation, Respondent shall submit his advertising, in whatever
7 form, to the Executive Director of the Massage Board. The Executive Director will
8 approve/disapprove the advertising before it is presented to the public.
- 9 4. During the term of probation, Respondent shall, at the Executive Director's
10 discretion, meet and discuss professional boundaries. The Executive Director may
11 have one meeting, or a series of meetings, to adequately cover the topic. The topic
12 will be deemed adequately discussed at the sole discretion of the Executive Director.
13

14

15 REHEARING/APPEAL RIGHTS

16 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to
17 A.R.S. § 41-1092.09 and A.A.C. R4-15-401(A) the petition must be filed with the Board within
18 thirty-five (35) days from the date of mailing if the Order was served via certified mail. Pursuant to
19 A.A.C. R4-15-401(C), the petition must set forth legally sufficient reasons for granting the rehearing
20 or review. The filing of a petition for rehearing or review is required to preserve any rights of appeal
21 to the Superior Court that the party may wish to pursue.
22

23 This Order shall be effective and in force upon the expiration of the above time period for
24 filing a motion for rehearing or review with the Board. However, the timely filing of a motion for
25 rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to A.A.C. R4-
26 15-401(F), the Board has expressly found good cause to believe that this Order shall be effectively
27 immediately upon the issuance and has so stated in this Order.
28
29

1 DATED and signed this 28 day of August, 2009.

3 ARIZONA BOARD OF MASSAGE THERAPY

4 SEAL

5 Craig Runbeck
6 Craig Runbeck, N.M.D.
7 Executive Director

8 ORIGINAL OF THE FORGOING FILED
9 this 1ST day of SEPT, 2009, with:

10 Arizona Board of Massage Therapy
11 1400 West Washington, Suite 230
12 Phoenix, Arizona 85007

13 EXECUTED COPY OF THE FOREGOING MAILED
14 BY CERTIFIED MAIL
15 this 1ST day of SEPT, 2009, to:

16 Edward J. Gomillion
17 4921 E. Bell Road, Suite 203
18 Scottsdale, Arizona 85254
19 Respondent

20 EXECUTED COPY OF THE FOREGOING MAILED
21 this 1ST day of SEPT, 2009, to:

22 Elizabeth A. Campbell
23 Assistant Attorney General
24 1275 W. Washington Street, CIV/LES
25 Phoenix, Arizona 85007
26 Attorney for the Board

27 7008 0510 1000 0510 9007

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Total Postage & Fees	\$	
Sent To <u>EDWARD J. Gomillion</u>		
Street, Apt. No., or PO Box No. <u>4921 E. Bell Rd. S. 203</u>		
City, State, ZIP+4 [®] <u>Scottsdale, AZ 85254</u>		
PS Form 3800 August 2006		See Reverse for Instructions



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

July 20, 1011

Edward J. Gomillion
4921 E. Bell Road, Ste 203
Scottsdale, Arizona 85254

Dear Mr. Gomillion:

At its August 23, 2010 Board meeting, the Board determined it would issue an amended order that included completion of a communications class and payment of a civil penalty of \$1,000.00 before the Board's June 2011 meeting. You were also required to personally appear at the Board's June meeting and request that probation be terminated. Your probation period would continue until the Board terminates it. However, the Board did not hold a June meeting.

The Board has not received documentation of completion of the communications class or payment of the required civil penalty. As stated in my August 4, 2010 letter to you, lack of adherence to a Board order is a violation of A.R.S. § 32-4253 (A)(23). The Board may take further disciplinary action against your license if you do not adhere to the Board order.

The Board will be holding a meeting on September 26, 2011 and will be considering these matters at that time. If you do not submit documentation of completion of the communications class or the civil money penalty payment by September 19, 2011 the Board will determine what further action is to be taken.

If you have any questions I may be reached at the number above. If you are unable to reach me, you may speak with Stanley Conger, investigator, at the same number.

Sincerely,

Kathleen Phillips
Deputy Director



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: 602-542-3093
Website: www.massageboard.az.gov ♦ Dr. Craig Runbeck, Executive
Director

August 4, 2010

Edward J. Gomillion
4921 E. Bell Road, Suite 203
Scottsdale, Arizona 85254

Dear Mr. Gomillion:

On August 28, 2009 issued a board order that required you to attend a college level class in communications and provide the Board with proof of completion of the class. As of the date of this letter the Board has not received a document that provides the Board with documentation showing this proof.

The Board also ordered you to pay a civil penalty of \$1,000. As of the date of this letter the Board has not received this amount.

Lack of adherence to a Board order is a violation of A.R.S. § 32-4253 (A)(23). If you do not provide the Board with proof of completion of the college level course or the civil money penalty designated by the Board, the Board may take further disciplinary action against your license.

Please respond within 10 calendar days from the date of receipt of this letter and advise the Board how you intend to fulfill the Board's order.

I can be reached at the number above. If you are unable to reach me, you may speak with Stanley Conger, investigator for the Board, at the same number.

Sincerely,

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

Kathleen Phillips
Deputy Director

cc: Stanley Conger



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

August 24, 2010

Edward Gomillion
16630 N. Reems Road, Apt.2014
Surprise, Arizona 85374

Dear Mr. Gomillion:

At its August 23, 2010 Board meeting, the Board determined it would issue an amended Board order to you. I am sending the Board order for your review and signature. After signing please send the amended order to the address above.

Sincerely,

Kathleen Phillips
Kathleen Phillips
Deputy Director

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Street, Apt. No.,
or PO Box No. *16630 N. Reems Rd #2014*
City, State, ZIP+4
Surprise, AZ 85374

PS Form 3800, August 2006

See Reverse for Instructions

7008 0150 0001 3510 2391

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

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 State Board of Massage Therapy

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

9
10 In the Matter of

11 **EDWARD GOMILLION,**

12 Holder of License No. MT-04378P
For the Practice of Massage Therapy
13 In the State of Arizona

Case No. 07-106

AMENDMENT TO BOARD ORDER

14
15 The Arizona State Board of Massage Therapy ("Board") and Edward Gomillion
16 ("Mr. Gomillion") hereby enter into this Amendment to the Findings of Fact,
17 Conclusions of Law and Board Order in Case No. 07-106 dated August 28, 2009 ("Board
18 Order").

19 Mr. Gomillion and the Board hereby amend the Board Order as set forth in this
20 Amendment.

21 **RECITALS**

22 1. Mr. Gomillion has read and understands this Amendment and has had the
23 opportunity to discuss this Amendment with an attorney, or has waived the opportunity to
24 discuss this Amendment with an attorney.

25 2. Mr. Gomillion affirmatively agrees that this Amendment shall be
26 irrevocable.

1 **Consequently, as of the effective date of this Amendment, the Order in Case**
2 **No. 07-106 is amended to read as follows:**

3 Based upon the foregoing Findings of Fact and Conclusions of Law, it is ordered
4 Mr. Gomillion's license number MT-04378P is placed on PROBATION until the
5 probation is terminated by the Board at its June 2011 meeting as set out in paragraph 3
6 below, subject to the following terms and conditions:

- 7 1. During the term of probation, Mr. Gomillion shall attend a college level
8 class in communications. Respondent must complete the class prior to the
9 Board's June 2011 Board meeting. Respondent will provide Board staff
10 with proof of completion in the form of credit hours from the college. The
11 course(s) shall be pre-approved by Board staff and shall be in addition to
12 the requirements of A.R.S. § 32-4225(E).
- 13 2. Before the Board's June 2011 Board meeting, Mr. Gomillion shall pay a
14 civil penalty of one thousand dollars (\$1,000.00).
- 15 3. Mr. Gomillion shall personally appear at the Board's June 2011 Board
16 meeting and request that his probation be terminated. Mr. Gomillion's
17 probationary period will continue until the Board terminates the probation.
- 18 4. Mr. Gomillion shall bear all costs of compliance with this Order.
- 19 5. If Respondent violates this Order in any way or fails to fulfill the
20 requirements of this Order, the Board, after giving Mr. Gomillion notice
21 and the opportunity to be heard, may revoke, suspend or take other
22 disciplinary actions against Mr. Gomillion's license. The issue at such a
23 hearing will be limited solely to whether this Order has been violated.

24 ...

25 ...

1 DATED this _____ day of _____, 2010.

2
3
4 Edward Gomillion

Craig Runbeck, N.D., Executive Director
Arizona State Board of Massage Therapy

5
6
7
8 ORIGINAL OF THE FORGOING FILED
9 this 25th day of August, 2010, with:

10 Arizona State Board of Massage Therapy
11 1400 West Washington, Suite 300
Phoenix, Arizona 85007

12 EXECUTED COPY OF THE FOREGOING MAILED
13 BY FIRST-CLASS and CERTIFIED MAIL
this 25th day of August, 2010, to:

14 Edward Gomillion
15 16630 N. Reems Road, Apt. 2014
Surprise, Arizona 85374

16 EXECUTED COPY OF THE FOREGOING MAILED
17 this 25th day of August, 2010, to:

18 Elizabeth A. Campbell
19 Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007

20 
21 #988547