

1 **BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY**

2 In the Matter of:

3)
4 Li Hua Guo, LMT)

5)
6 License No. MT-10214)

7 As a Massage Therapist)

8 In the State of Arizona)
9

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

10 Pursuant to Notice of Hearing Number 10-106 (Notice) this matter came before the Arizona
11 Board of Massage Therapy (Board) on May 23, 2011.

12 Dennis Beye, president, presided at the meeting with Board members Victoria Bowman, John
13 Ortega, and Diane Pruetz in attendance.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant
15 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
17 independent legal advice to the Board. Li Hua Guo (Respondent) was present and represented by
18 attorney, Paul Rybarsyk.

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

21 **AUTHORITIES AND JURISDICTION**

22 1. The Board is the duly constituted authority for licensing and regulating the practice of
23 massage therapy in the state of Arizona.

24 2. Respondent is the holder of license number MT-10214, which allows her to practice as a
25 massage therapist in the state of Arizona.

26 3. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the subject matter

1 and over Respondent as a licensee of the Board.

2 **FINDINGS OF FACT**

3 1. During a massage on April 15, 2010, Respondent provided massage therapy to a client.
4 The massage therapy client was an undercover Scottsdale Police Officer.

5 2. While the undercover police officer was lying on his stomach, Respondent removed the
6 towel covering the officer's buttocks, climbed on top of the officer's bare buttocks. And rocked
7 back and forth while rubbing the officer's back and shoulders.

8 3. During the massage on April 15, 2010, Respondent touched the police officers testicles.
9 Respondent offered to perform oral sex on the officer and to give the undercover officer a hand
10 job. Respondent further offered to expose her breasts to the undercover officer during the hand
11 job.

12 **CONCLUSIONS OF LAW**

13 1. The conduct described above in the Findings of Fact is grounds for discipline under
14 A.R.S. § 32-4253(A)(15) (Engaging in sexual activity with a client).

15 2. The conduct described in the Findings of Fact constitutes sexual activity in violation of
16 A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means sexual conduct).

17 3. The conduct described above in the Findings of Fact constitutes sexual activity in
18 violation of A.R.S. § 32-4253(B)(2)(b) ("Sexual activity" means offering to engage in sexual
19 conduct).

20 4. The conduct described above in the Findings of Fact constitutes sexual activity in
21 violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means making sexual advances,
22 requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual
23 nature with a client).

24 6. The conduct described above in the Findings of Fact constitutes sexual activity in
25 violation of A.R.S. § 32-4253(B)(3) ("Sexual conduct" means any direct or indirect touching,
26 fondling or manipulating of any part of the genitals or anus by any part of the body or by any

1 object or causing a person to engage in that conduct.

2
3 **ORDER**

4 Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED
5 that Respondent's license number MT-10214 is REVOKED.

6
7 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

8 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §
9 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-
10 five (35) days from the date of mailing if the Order was served by certified mail. The petition
11 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.
12 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement
13 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes
14 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the
15 Board has expressly found good cause to believe that this Order shall be effective immediately
16 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or
17 review within 35 days from the date of mailing has the effect of prohibiting the parties from
18 seeking judicial review of the Board's decision.

19 Dated and signed this 24th day of May, 2011.

20 ARIZONA BOARD OF MASSAGE THERAPY

21 By: 

22 Craig Runbeck, N.M.D.
23 Executive Director
24

1 ORIGINAL OF THE FOREGOING FILED
2 this 24th day of May, 2011 with the:

3
4 Arizona State Board of Massage Therapy
5 1400 West Washington, Suite 300
6 Phoenix, AZ 85007
7

8 EXECUTED COPY OF THE FOREGOING MAILED
9 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
10 this 24th day of May, 2011, to:

11
12 Li Hua Guo
13 8251 S. Alma School Rd. #107
14 Mesa, AZ 85020
15

16 COPY OF THE FOREGOING MAILED
17 this 24th day of May, 2011, to:

18
19 Paul Rybarsyk
20 7322 East Thomas Road
21 Scottsdale, AZ 85251
22

23 Christopher Munns
24 Assistant Attorney General
25 1275 W. Washington Street, CIV/SGO
26 Phoenix, Arizona 85007
27

28 Elizabeth Campbell
29 Assistant Attorney General
30 1275 W. Washington Street, CIV/LES
31 Phoenix, Arizona 85007
32

33 Notifications/Mailings completed by Kathleen Phillips _____
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