

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3
4 **STEVEN HALL, LMT**

5
6 Holder of License No. MT-13094

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, Case Number 13-145, this matter came before the Arizona Board
11 of Massage Therapy (Board) on November 25, 2013.

12 Dennis Beye, chairman, presided at the meeting with Board members Victoria Bowman, Diane
13 Pruetz, and John Ortega, in attendance. The State was represented by the Office of the Attorney
14 General, Elizabeth Campbell, Assistant Attorney General, Licensing and Enforcement Section.

15 Mary Jo Foster of the Solicitor General's Section of the Attorney General's Office was available
16 to provide independent legal advice to the Board. Respondent was present at the hearing and was
17 not represented by an attorney. The Board, after considering the testimony and evidence
18 presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

19 **AUTHORITIES AND JURISDICTION**

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

23 2. Respondent is the holder of license number MT-13094, which allows him to practice as a
24 massage therapist in the state of Arizona.

25 3. Under A.R.S. §§ 32-4201, et seq., the Board has jurisdiction over the subject matter and
26 over Respondent as a licensee of the Board.
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1 **FINDINGS OF FACT**

- 2 1. On June 24, 2013, female massage therapy client DW received a massage from
3 Respondent.
4 2. During the massage, Respondent touched DW's breasts and exposed DW's breasts and
5 genitals. DW had not requested a breast massage.

6 **CONCLUSIONS OF LAW**

- 7
8 1. The Board may discipline a massage therapist who has engaged in sexual activity with a
9 client. A.R.S. § 32-4253(15).
10 2. The conduct and circumstances described above in the Findings of Fact with regard to
11 DW constitute sexual activity in violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity"
12 means making sexual advances, requesting sexual favors or engaging in other verbal conduct of
13 a sexual nature with a client).
14 3. The conduct and circumstances described above in the Findings of Fact with regard to
15 DW constitute sexual activity in violation of A.R.S. § 32-4253(B)(2)(d) ("Sexual activity"
16 means intentionally viewing a completely or partially disrobed massage therapy client in the
17 course of treatment if the viewing is not related to treatment under current practice standards and
18 is intended to appeal to the prurient interest of the massage therapy client or the massage
19 therapist).
20 4. The conduct and circumstances described above in the Findings of Fact with regard to
21 DW constitute grounds for disciplinary action under A.R.S. § 32-4253(B)(2)(e) ("Sexual activity"
22 means massaging, touching, or applying any instrument or device by a licensee in the course of
23 practicing or engaging in massage therapy to the breasts of a female client unless the client
24 requests breast massage and signs a written consent form).
25 5. The conduct and circumstances described above in the Findings of Fact with regard to
26 DW constitute grounds for disciplinary action under A.R.S. § 32-4253(A)(10) (Engaging in
27 conduct that could result in harm or injury to the public).
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ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license number MT-13094 is suspended for 90 days. Respondent must complete 20 hours of continuing education before the last day of the suspension in addition to the 24 hours of continuing education required for renewal of his license. The 20 continuing education hours shall be in draping, professional conduct, and ethics and may not be completed on-line. Respondent must appear before the Board when his license is due for renewal and at the end of probation to request release from probation. Respondent's failure to comply with this Board order will subject him to future disciplinary action by the Board. (A.R.S. § 32-4253(A)(23).

Dated and signed this 26th day of November, 2013.

ARIZONA BOARD OF MASSAGE THERAPY

By: Kathleen Phillips
Kathleen Phillips
Executive Director

RIGHT TO PETITION FOR REHEARING OR REVIEW

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

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ORIGINAL OF THE FOREGOING FILED
this 26th day of November, 2013 with the:
Arizona State Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, AZ 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 26th day of November, 2013, to:

Steven Hall
Respondent/Licensee
Address of Record

COPY OF THE FOREGOING MAILED
this 26th day of November, 2013, to:

Chris Munns
Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007
Attorney for the Board

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


