

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

2 In the Matter of:

3 )  
4 Mui Kam Ho, LMT )  
5 )  
6 License No. MT-11438 )  
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 10-109 (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. Mui Kam Ho (Respondent) was present.

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

20 **AUTHORITIES AND JURISDICTION**

- 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-11438, which allows her to practice as a  
24 massage therapist in the state of Arizona.
- 25 3. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the matter and  
26 over Respondent as a licensee of the Board.

1 **FINDINGS OF FACT**

2 1. On October 26, 2009, detectives from the Mesa Police Department conducted an  
3 inspection of the QQ Massage and Spa in Mesa, Arizona. Respondent was giving male client  
4 MR a massage as the police officers entered the establishment. MR was lying nude, face-up, on  
5 the massage table. Respondent failed to place a towel over MR's genitals.

6 2. On June 10, 2010, in Mesa Municipal Court case docket number 2009076916,  
7 Respondent was convicted of administering a nude massage in violation of Mesa City Code § 5-  
8 12-9(A)(5), and false reporting to a law enforcement agency in violation of A.R.S. § 13-  
9 2907(A)(1).

10 3. Respondent appealed her convictions to the Superior Court of Maricopa County. On  
11 December 15, 2010, the Superior court affirmed the convictions.

12 4. At the time of the violation, Mesa City Code § 5-12-9(A)(5) made it illegal for any  
13 person, association, firm, or corporation to allow the practice or administering of any massage  
14 techniques, whether for fee or other consideration, to any person whose specified anatomical  
15 areas are not covered by opaque material. At the time of the violation, the Mesa City Code  
16 defined "specified anatomical areas" as the pubic region, human genitals, perineum, and region,  
17 and the area of the female breast that includes the areola and the nipple. Mesa City Code § 5-12-  
18 1.

19 **CONCLUSIONS OF LAW**

20 1. The convictions described in the Findings of Fact are grounds for discipline under A.R.S.  
21 § 32-4253(A)(4) (Being convicted of a felony or other offense involving moral turpitude or  
22 conviction for prostitution, solicitation or another similar offense. A conviction by a court of  
23 competent jurisdiction is conclusive evidence of the commission of the crime).

24 2. The conduct described above in paragraphs 1 through 4 of the Findings of Fact is grounds  
25 for discipline under A.R.S. § 32-4253(B)(2)(d)..

26 3. The conduct described above in paragraphs 1 through 4 of the Findings of Fact

1 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(d) ("Sexual activity" means  
2 intentionally viewing a completely or partially disrobed massage therapy client in the course of  
3 treatment if the viewing is not related to treatment under current practice standards

4  
5 **ORDER**

6 Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED  
7 that Respondent's license number MT-11438 is REVOKED.

8  
9 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

22 ARIZONA BOARD OF MASSAGE THERAPY

23 By:  \_\_\_\_\_

24 Craig Runbeck, N.M.D.  
25 Executive Director  
26  
27

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 Mui Kam Ho  
13 616 S. Revolta Circle  
14 Mesa, Arizona 85208  
15

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

18  
19 Christopher Munns  
20 Assistant Attorney General  
21 1275 W. Washington Street, CIV/SGO  
22 Phoenix, Arizona 85007  
23

24 Elizabeth Campbell  
25 Assistant Attorney General  
26 1275 W. Washington Street, CIV/LES  
27 Phoenix, Arizona 85007  
28

29 Notifications/Mailings completed by Kathleen Phillips \_\_\_\_\_  
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