

1 1. During a massage on January 6, 2010, Respondent provided massage therapy to a client
2 at Scottsdale Massage in Scottsdale, Arizona. The massage therapy client was an undercover
3 Scottsdale Police Officer.

4 2. During the massage on January 6, 2010, Respondent offered to perform a nude or
5 partially nude hand job for money.

6 3. During an interview with police on December 14, 2010, Respondent admitted to
7 engaging in sexual conduct, including specifically providing hand jobs, with massage therapy
8 clients at Scottsdale Massage, Busy Bodies Massage, and/or Paradise Island Massage from June
9 2008 until May 2010.

10 CONCLUSIONS OF LAW

11 1. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the subject matter
12 and over Respondent.

13 2. 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 3. The conduct described above in the Findings of Fact constitutes sexual activity in
16 violation of A.R.S. § 32-4253(B)(2)(a) (“Sexual activity” means offering to engage in sexual
17 conduct”). “Sexual conduct” means any direct or indirect touching, fondling or manipulating of
18 any part of the genitals or anus by any part of the body or by any object or causing a person to
19 engage in that conduct. A.R.S. § 32-4253(B)(3).

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)(b) (“Sexual activity” means offering to engage in sexual
22 conduct). “Sexual conduct” means any direct or indirect touching, fondling or manipulating of
23 any part of the genitals or anus by any part of the body or by any object or causing a person to
24 engage in that conduct. A.R.S. § 32-4253(B)(3).

25 5. The conduct described above in the Findings of Fact constitutes sexual activity in
26 violation of A.R.S. § 32-4253(B)(2)(c) (“Sexual activity” means making sexual advances,

1 requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual
2 nature with a client).

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4 **ORDER**

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6 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**
7 that Respondent's license number **MT-11228** is **REVOKED**.

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

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

20 Dated and signed this 22nd day of May, 2013.

21 ARIZONA BOARD OF MASSAGE THERAPY

22 By: Kathleen Phillips
23 Kathleen Phillips
24 Deputy Director
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ORIGINAL OF THE FOREGOING FILED
this 29th day of May, 2013 with the:
Arizona State Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, AZ 85007

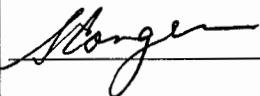
EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 29th day of May, 2013, to:

Maristela Hoodspith
19635 N Cave Creek Rd. #126
Phoenix, Arizona 85024
Respondent/Licensee

COPY OF THE FOREGOING MAILED
this 29th day of May, 2013, to:

Diana Rasner
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



1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3
4 **MARISTELA HOODSPITH, LMT**

5
6 Holder of License No. MT-11228

7 As a Massage Therapist

8 In the State of Arizona
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**ORDER DENYING RESPONDENT'S
REQUEST FOR REHEARING OR REVIEW**

10 On September 23, 2013, the Arizona Board of Massage Therapy (Board) met to consider
11 Respondent's request for rehearing or request of the Board's Order on May 22, 2013. The Board
12 was represented by the Office of the Attorney General, Elizabeth Campbell. After full
13 consideration of the record in this matter and the arguments of the parties, the Board voted to
14 DENY Respondent's request for rehearing or review. Respondent has set forth no grounds upon
15 which a rehearing or review should be granted.

16 ORDER

17 Respondent's Motion for Rehearing is **Denied**. The Board's Order dated May 22, 2013 remains
18 in effect.

19 NOTICE

20 Respondent is notified that this Order is the final administrative decision of the Board and that
21 Respondent has exhausted her administrative remedies. Respondent is advised that an appeal to
22 superior court may be taken from this decision pursuant to A.R.S. §§ 12-901 *et seq* within thirty-
23 five (35) days from the date this decision is served.

24 Dated and signed this 23rd day of September, 2013.

25 ARIZONA BOARD OF MASSAGE THERAPY

26 By: 
27 Kathleen Phillips
28 Executive Director
29
30

31 ORIGINAL OF THE FOREGOING FILED
32 this 23th day of September, 2013 with the:

1 Arizona State Board of Massage Therapy
2 1400 West Washington, Suite 300
3 Phoenix, AZ 85007
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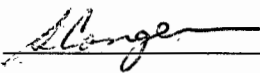
5 EXECUTED COPY OF THE FOREGOING MAILED
6 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
7 this 23th day of September, 2013, to:

8
9 Maristela Hoodspith
10 Respondent/Licensee
11 Address of Record
12
13

14 COPY OF THE FOREGOING MAILED
15 this 23th day of September, 2013, to:

16
17 Chris Munns
18 Assistant Attorney General
19 1275 W. Washington Street, CIV/SGO
20 Phoenix, Arizona 85007
21 Attorney for the Board
22

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