

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3 )  
4 **Li Hung Jen, LMT** )  
5 )  
6 License No. MT-09863 )  
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 10-114 (Notice) this matter came before the Arizona  
11 Board of Massage Therapy (Board) on September 26, 2011.

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

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant  
15 Attorney General, Licensing and Enforcement Section. Chris Munns, of the Solicitor General's  
16 Section of the Attorney General's Office was present and available to provide independent legal  
17 advice to the Board. Li Hung Jen (Respondent) was not 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  
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-09863, which allows her to practice as a  
25 massage therapist in the state of Arizona.

26 3. Under A.R.S. §§ 32-3202 and 32-4201 through 32-4259, the Board has jurisdiction over  
27 the subject matter and over the Respondent as a licensee of the Board.

1 **FINDINGS OF FACT**

2 1. On September 14, 2009, while working as a massage therapist, Respondent performed  
3 male masturbation on a massage therapy client. This case proceeded as Mesa Municipal Court  
4 case docket number 2009064462.

5 2. On or about August 25, 2010, in Mesa Municipal Court case docket number  
6 2009064462, Respondent was convicted of prostitution in violation of A.R.S. § 13-3214(A); and  
7 touching of specified anatomical areas<sup>1</sup> during a massage in violation of Mesa City Code § 5-12-  
8 9(A)(7).

9 3. Respondent appealed her convictions in Mesa Municipal Court case docket number  
10 2009064462 to the Superior Court of Maricopa County. On March 30, 2011, the Superior Court  
11 affirmed the convictions.  
12

13 **CONCLUSIONS OF LAW**

14 1. The convictions described in paragraphs 1 through 3 in the Findings of Fact are grounds  
15 for discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense  
16 involving moral turpitude or conviction for prostitution, solicitation or another similar offense. A  
17 conviction by a court of competent jurisdiction is conclusive evidence of the commission of the  
18 crime).

19 2. The conduct described above in the paragraphs 1 through 3 of the Findings of Fact is  
20 grounds for discipline under A.R.S. § 32-4253(A)(15) (Engaging in sexual activity with a  
21 client).

22 3. The conduct described above in paragraphs 1 through 3 of the Findings of Fact is grounds  
23 for discipline under A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means sexual conduct).  
24 "Sexual conduct" means any direct or indirect touching, fondling, or manipulating of any part of

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<sup>1</sup> At the time of the violations, Mesa City Code § 5-12-1 defined "specified anatomical areas" to include the "pubic region" and "human genitals."

1 the genitals or anus by any part of the body or by any object or causing a person to engage in  
2 that conduct. A.R.S. § 32-4253(B)(3)

3 4. The conduct described above in paragraphs 1 through 3 of the Findings of Fact  
4 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means  
5 making sexual advances, requesting sexual favors, or engaging in other verbal conduct or  
6 physical contact of a sexual nature with a client).

7  
8 **ORDER**

9 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**  
10 that Respondent's license number **MT-09863** is **REVOKED**.

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

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

23 Dated and signed this 27<sup>th</sup> day of September, 2011.

24 ARIZONA BOARD OF MASSAGE THERAPY

25 By:   
26 Craig Runbeck, N.M.D., Executive Director  
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ORIGINAL OF THE FOREGOING FILED  
this 27<sup>th</sup> day of September, 2011 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 27<sup>th</sup> day of September, 2011, to:

Li Hung Jen  
608 E. Valley Blvd Ste 317  
San Gabriel, California 91776  
Respondent/Licensee

COPY OF THE FOREGOING MAILED  
this 27<sup>th</sup> day of September, 2011, to:

Christopher 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



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