

**BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY**

In the Matter of:

**WEN XIA JIN, LMT**

License No. MT-11274

As a Massage Therapist

In the State of Arizona

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

Pursuant to Complaint and Notice of Hearing, Case Number 13-111 (Notice) this matter came before the Arizona Board of Massage Therapy (Board) on March 25, 2013.

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

The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant Attorney General, Licensing and Enforcement Section. Diana D. Rasner, of the Solicitor General's Section of the Attorney General's Office was present and available to provide independent legal advice to the Board. Wen Xia Jin (Respondent) was present and represented by attorney David Derickson.

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

**AUTHORITIES AND JURISDICTION**

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

2. Respondent is the holder of license number MT-11274, which allows her to practice as a massage therapist in the state of Arizona.

3. Under A.R.S. § 32-4201 et seq., the Board has jurisdiction over the subject matter and

1 over the Respondent as a licensee of the Board.

2 **FINDINGS OF FACT**

3 1. On or about April 25, 2011, in Mesa Municipal court case docket number 2011000063,  
4 Respondent was convicted of prostitution in violation of A.R.S. § 13-3214(A); offering service  
5 to gratify sexual desires in violation of Mesa City Code § 5-12-18(A)(2)(a); offering service  
6 touching private areas in violation of Mesa City Code § 5-12-18(A)(2)(b); and offering services  
7 for compensation not listed on schedule of services in violation of Mesa Municipal Code § 5-12-  
8 18(A)(6).

9 2. Respondent appealed her convictions in Mesa Municipal Court case docket number  
10 2011000063 to the Superior Court of Maricopa County. On March 15, 2012, in Maricopa  
11 County Superior Court Case Number LC2011-000719, the Superior Court affirmed the  
12 convictions. In its decision, the Superior Court found that Respondent offered to have  
13 undercover police officer engage in sexual conduct with one of the women on the premises of  
14 Tops Asian Massage Parlor.

15 **CONCLUSIONS OF LAW**

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

21 2. The convictions described above constitute grounds for revocation of the license under  
22 A.R.S. § 32-4254(G) (if after a formal proceeding the Board finds that a licensee has been  
23 convicted of prostitution, solicitation or another similar offense, the Board shall revoke the  
24 license).

1 **ORDER**

2  
3 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**  
4 that Respondent's license number **MT-11274** is **REVOKED**.

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

6 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §  
7 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-  
8 five (35) days from the date of mailing if the Order was served by certified mail. The petition  
9 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.  
10 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement  
11 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes  
12 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the  
13 Board has expressly found good cause to believe that this Order shall be effective immediately  
14 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or  
15 review within thirty days after service of the decision has the effect of prohibiting the parties  
16 from seeking judicial review of the Board's decision.

17 Dated and signed this \_\_\_\_\_ day of March, 2013.

18 ARIZONA BOARD OF MASSAGE THERAPY

19 By: Kathleen Phillips  
20 Kathleen Phillips  
21 Deputy Director  
22  
23

24 ORIGINAL OF THE FOREGOING FILED  
25 this 27th day of March, 2013 with the:

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28 Arizona State Board of Massage Therapy  
29 1400 West Washington, Suite 300  
30 Phoenix, AZ 85007  
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BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
this 27th day of March, 2013, to:

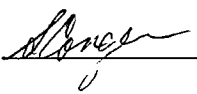
Wen Xia Jen  
441 S Johnson  
Mesa, Arizona 85202  
Respondent/Licensee

COPY OF THE FOREGOING MAILED  
this 27th day of March, 2013

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