



State of Arizona  
Governor  
Janice K. Brewer

## *Arizona State Board of Massage Therapy*

1400 W. Washington, Ste. 300 ♦ Phoenix, AZ 85007  
Voice Telephone: 602-542-8604 ♦ Fax: 602-542-8804  
Website: [www.massageboard.az.gov](http://www.massageboard.az.gov) ♦ Kathleen Phillips, Deputy Director

November 27, 2012

Bobbie Jo Johnson  
8586 E. Indian School Road #F  
Scottsdale, Arizona 85251

Dear Ms. Johnson:

On November 26, 2012, the Arizona State Board of Massage Therapy (Board) voted to accept the consent agreement for probation of your license signed by you on November 15, 2012.

I am sending you a copy of the consent agreement signed by me.

If you have any questions, please call me at the number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Phillips".

Kathleen Phillips  
Deputy Director

1 THOMAS C. HORNE  
Attorney General  
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL  
Assistant Attorney General  
4 State Bar No. 018311  
1275 W. Washington, CIV/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7681  
6 Fax: (602) 364-3202

NOV 16 2012

7 Attorneys for the Arizona State Board of Massage Therapy

8 **BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**  
9

10 In the Matter of

11 **BOBBI JO JOHNSON,**

12 Holder of License No. MT-14264  
As a Massage Therapist  
13 In the State of Arizona

Board Case No. 13-100

**CONSENT AGREEMENT  
FOR PROBATION**

14  
15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Massage Therapy ("Board") under A.R.S. § 32-1901, *et. seq.*, Bobbi Jo Johnson  
18 ("Respondent"), holder of Massage Therapist License Number MT-14264 in the State of  
19 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
20 of Law and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
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1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning this matter, at which hearing she could present evidence and cross  
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly  
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights  
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against her.

11          5.     Respondent understands this Consent Agreement deals with Board case  
12 number 13-100 involving allegations that Respondent engaged in conduct that would  
13 subject her to discipline under the Board's statutes and rules. The investigation into these  
14 allegations against Respondent shall be concluded upon the Board's adoption of this  
15 Consent Agreement.

16          6.     Respondent understands that this Consent Agreement does not constitute a  
17 dismissal or resolution of any other matters currently pending before the Board, if any,  
18 and does not constitute any waiver, express or implied, of the Board's statutory authority  
19 or jurisdiction regarding any other pending or future investigation, action or proceeding.

20          7.     Respondent also understands that acceptance of this Consent Agreement  
21 does not preclude any other agency, subdivision, or officer of this State from instituting  
22 any other civil or criminal proceedings with respect to the conduct that is the subject of  
23 this Consent Agreement.

24          8.     Respondent acknowledges and agrees that, upon signing this Consent  
25 Agreement and returning this document to the Board's Executive Director, she may not  
26

1 revoke her acceptance of the Consent Agreement or make any modifications to the  
2 document regardless of whether the Consent Agreement has been signed by the  
3 Executive Director. Any modification to this original document is ineffective and void  
4 unless mutually agreed by the parties in writing.

5       9. This Consent Agreement is subject to the approval of the Board and is  
6 effective only when accepted by the Board and signed by the Executive Director. In the  
7 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
8 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
9 any party, except that the parties agree that should the Board reject this Consent  
10 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
11 Board was prejudiced by its review and discussion of this document or any records  
12 relating thereto.

13       10. If a court of competent jurisdiction rules that any part of this Consent  
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
15 shall remain in full force and effect.

16       11. Respondent understands that this Consent Agreement is a public record that  
17 may be publicly disseminated as a formal action of the Board and may be reported as  
18 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
19 Protection Data Bank even though her conduct predated her licensure as a massage  
20 therapist.

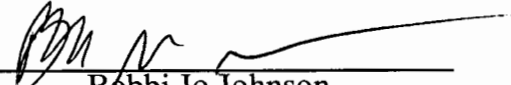
21       12. Respondent understands that any violation of this Consent Agreement may  
22 result in disciplinary action. A.R.S. § 32-4253(A)(23).

23       13. Respondent agrees that the Board will adopt the following Findings of Fact,  
24 Conclusions of Law and Order.

25 ...

26

1 ACCEPTED AND AGREED BY RESPONDENT

2  
3   
4 Bobbi Jo Johnson

Dated: Nov. 15, 2012

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
6 this 15 day of November, 2012, by Bobbi Jo Johnson.



7  
8 NINA MURIEL RICHARDSON  
Notary Public - Arizona  
Maricopa County  
Expires 01/09/2014

  
9 NOTARY PUBLIC

My Commission expires: 1-9-2014

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the  
12 practice of Massage Therapy in the State of Arizona.

13 2. Respondent is the holder of license number MT-14264 to practice as a  
14 Massage Therapist in the State of Arizona.

15 3. On or about March 12, 2012, Respondent was sentenced for conspiracy, a  
16 class D felony, in Arizona District Court Case Number CR10-0797-005-PHX-ROS.

17 Based upon her conviction, Respondent was placed on probation in her criminal case for  
18 5 years from the date of Respondent's guilty plea in February 2011 (the "Criminal  
19 Probation"). The conduct resulting in the conviction occurred from 2005 through 2006.  
20 In mitigation, the conduct giving rise to her conviction occurred several years before Ms.  
21 Johnson's training and licensing as a massage therapist but the board believes that a  
22 probationary order and some classes well help to insure that there will never be a repeat  
23 of the mistakes that resulted in the felony conviction.  
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25  
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1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter and over  
3 Respondent pursuant to A.R.S. § 32-4201 *et seq.*

4 2. The conduct and circumstances described in the Findings of Fact is grounds  
5 for discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony). A conviction  
6 by a court of competent jurisdiction is conclusive evidence of the commission of the  
7 crime).

8 ORDER

9 Based upon the above Findings of Fact and Conclusions of Law, the Board issues  
10 the following Order:

11 1. Respondent’s Massage Therapist License No. MT-14264, is immediately  
12 placed on **PROBATION** until the Board terminates the probation as set forth in  
13 paragraph 1(b) below, subject to the following terms and conditions:

14 a. Within twelve (12) months of the effective date of this Consent  
15 Agreement, Respondent shall complete 3 hours of Board staff pre-approved  
16 continuing education in ethics and 3 hours of Board staff pre-approved  
17 continuing education in business practice. These continuing education  
18 hours shall be in addition to the hours required for the renewal of  
19 Respondent’s massage therapist license under A.R.S. § 32-4225.

20 b. After completion of the Respondent’s criminal probation in Arizona  
21 District Court Case Number 2:10-CR-00797-05, Respondent shall request  
22 in writing that the Board terminate her probation. Respondent’s request for  
23 termination will be considered at a regularly scheduled Board meeting.  
24 Respondent is required to personally appear at that Board meeting.  
25  
26

1 Respondent's probationary period will continue until Respondent's request  
2 for termination is received and the Board terminates the probation.

3 c. Throughout the term of Respondent's probation, Respondent shall  
4 furnish all massage therapy employers with a copy of this Consent  
5 Agreement.

6 d. Respondent shall pay all necessary fees and complete all continuing  
7 education requirements throughout the term of her probation to maintain  
8 Massage Therapist License No. MT-14264.

9 e. Throughout the term of Respondent's probation, Respondent shall  
10 personally appear before the Board when requested to do so by the Board  
11 or Board staff.

12 f. Respondent shall obey all federal and state laws and rules governing  
13 the practice of Massage Therapists.

14 2. Respondent shall pay all costs associated with complying with this Consent  
15 Agreement.

16 3. If Respondent violates this Order in any way or fails to fulfill the  
17 requirements of this Order, the Board, after giving the Respondent notice and the  
18 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
19 Respondent's license. The issue at such a hearing will be limited solely to whether this  
20 Order has been violated.

21 DATED this 27<sup>th</sup> day of November, 2012.

22 ARIZONA STATE BOARD OF MASSAGE  
23 THERAPY

24 (Seal)

25 By: Kathleen Phillips  
26 KATHLEEN PHILLIPS  
Deputy Director

1 ORIGINAL OF THE FORGOING FILED  
this 27<sup>th</sup> day of November, 2012, with:

2  
3 Arizona State Board of Massage Therapy  
1700 West Washington, Suite 250  
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED  
5 BY CERTIFIED MAIL  
this 27<sup>th</sup> day of November, 2012, to:

6 Bobbi Jo Johnson  
7 Address of Record  
Respondent

8 EXECUTED COPY OF THE FOREGOING MAILED  
9 this 27<sup>th</sup> day of November, 2012, to:

10 A. Melvin McDonald, Jr.  
JONES SKELTON & HOCHULI, PLC  
11 2091 N. Central, Suite 800  
Phoenix, Arizona 856012  
12 Attorney for Respondent

13 Elizabeth A. Campbell  
Assistant Attorney General  
14 1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
15 Attorney for the Board

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#2921623