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REC'D OCT 15 2015

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 **ZANE KANE,**

Board Case No. 15-122

12 Holder of License No. MT-01313P
13 As a Massage Therapist
14 In the State of Arizona

**CONSENT AGREEMENT
FOR PROBATION**

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.*, Zane Kane
18 ("Respondent"), holder of Massage Therapist License Number MT-01313P in the State
19 of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
21 matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter, at which hearing he 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 him.

11 5. Respondent understands this Consent Agreement deals with Board case
12 number 15-122 involving allegations that Respondent engaged in conduct that would
13 subject him 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, he may not
26

1 revoke his 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.

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

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

24 ...

25 ...

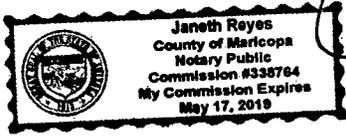
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1 ACCEPTED AND AGREED BY RESPONDENT

2
3 
4 Zane Kane

Dated: 10-12-15

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 12th day of Oct, 2015, by Zane Kane.



7 
8 NOTARY PUBLIC

9 My Commission expires: 05-17-19

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-01313P to practice as a
- 14 Massage Therapist in the State of Arizona.
- 15 3. On or about April 29, 2015, Respondent was convicted of Endangerment
- 16 and Resisting Arrest, both Class 6 Undesignated Felonies, in Maricopa County Superior
- 17 Court Case Number CR2014-145696. Based upon his conviction, Respondent was
- 18 placed on probation in his criminal case for 2 years (the "Criminal Probation").
- 19
- 20

21 **CONCLUSIONS OF LAW**

- 22 1. The Board possesses jurisdiction over the subject matter and over
- 23 Respondent pursuant to A.R.S. § 32-4201 *et seq.*
- 24 2. The conduct and circumstances described in the Findings of Fact is grounds
- 25 for discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense
- 26 involving moral turpitude or any conviction for prostitution, solicitation, or other similar

1 offense. A conviction by a court of competent jurisdiction is conclusive evidence of the
2 commission of the crime). A Class 6 Undesignated Felony is treated as a felony for all
3 purposes until such time as a court may actually enter an order designating the offense as
4 a misdemeanor. A.R.S. § 13-604(A).

5 **ORDER**

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

8 1. Respondent's Massage Therapist License No. MT-01313P, is immediately
9 placed on **PROBATION** until the Board terminates the probation as set forth in
10 paragraph 1(b) or 1(c) below, subject to the following terms and conditions:

11 a. Respondent shall comply with and successfully complete the terms
12 of the Criminal Probation.

13 b. Upon successful completion of the Criminal Probation, Respondent
14 shall request in writing that the Board terminate his probation.
15 Respondent's request for termination will be considered at a regularly
16 scheduled Board meeting. Respondent is required to personally appear at
17 that Board meeting. Respondent's probationary period will continue until
18 Respondent's request for termination is received and the Board terminates
19 the probation.

20 c. If not terminated earlier pursuant to paragraph 1(b) above, two (2)
21 years from the effective date of this Consent Agreement, Respondent shall
22 request in writing that the Board terminate his probation. Respondent's
23 request for termination will be considered at a regularly scheduled Board
24 meeting. Respondent is required to personally appear at that Board
25 meeting. Respondent's probationary period will continue until
26

1 ORIGINAL OF THE FORGOING FILED
this 2nd day of October, 2015, with:

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

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 2nd day of October, 2015, to:

6 Zane Kane
7 Address of Record
8 Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 2nd day of October, 2015, to:

10 Elizabeth A. Campbell
Assistant Attorney General
11 1275 W. Washington Street, SGD/LES
Phoenix, Arizona 85007
12 Attorney for the Board

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