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REC'D JAN 8 2014

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

10 In the Matter of

11 **PAUL KLEIN,**

Board Case No. 14-111

12 Holder of License No. MT-10736
As a Massage Therapist
13 In the State of Arizona

**CONSENT AGREEMENT
FOR SURRENDER**

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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. § 32-4201, *et. seq.*, Paul Klein
18 ("Respondent"), holder of Massage Therapist License Number MT-10736 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 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 14-111 involving allegations that Respondent engaged in conduct that would
13 subject him to discipline under the Board's statutes and rules. The investigation into
14 these allegations against Respondent shall be concluded upon the Board's adoption of
15 this 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
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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.


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6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall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

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

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent agrees that the Board will adopt the following Findings of Fact,
20 Conclusions of Law and Order.

21 ACCEPTED AND AGREED BY RESPONDENT

22
23 
24 Paul Klein

Dated: 1-7-2014

FINDINGS OF FACT

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

4 2. Respondent is the holder of license number MT-10736 to practice as a
5 Massage Therapist in the State of Arizona.

6 3. In 2013, Respondent advertised on several website offering to perform
7 sexual massages.

8 4. Respondent's conduct constitutes grounds for discipline under A.R.S. § 32-
9 4253(A)(15) (Engaging in sexual activity with a client). "Sexual activity" means offering
10 to engage in sexual conduct. A.R.S. § 32-4253(B)(2)(b).

CONCLUSIONS OF LAW

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

16 2. The Board possesses statutory authority to enter into a consent agreement
17 with a massage therapist and accept the surrender of an active license from a massage
18 therapist who admits to having committed an act which would subject him to discipline
19 under the Board's statutes or rules. A.R.S. § 32-4254(N)(2).

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ORDER

IT IS HEREBY ORDERED THAT License Number MT-10736 issued to Paul Klein to practice as a massage therapist in the State of Arizona is hereby surrendered.

DATED this _____ day of _____, 2014.

ARIZONA STATE BOARD OF MASSAGE
THERAPY

(Seal)

By: _____
KATHLEEN PHILLIPS
Executive Director

ORIGINAL OF THE FORGOING FILED
this _____ day of _____, 2014, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this _____ day of _____, 2014, to:

Paul Klein
Address of Record
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this _____ day of _____, 2014, to:

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

S. Conger