

1 **BEFORE THE ARIZONA BOARD**
2 **OF MASSAGE THERAPY EXAMINERS**

3 In the Matter of

Board Case No.

4 **SAM YO LARRABEE, LMT**

21-146

5 Holder of License No. MT-02725P
6 As a Massage Therapist
7 In the State of Arizona

**CONSENT AGREEMENT FOR
SURRENDER OF MASSAGE THERAPY
LICENSE**

8 In the interest of a prompt and judicious settlement of this case, consistent with the public
9 interest, statutory requirements and the responsibilities of the Arizona State Board of Massage
10 Therapy (Board) pursuant to A.R.S. § 32-4201, *et. seq.*, Sam Yo Larrabee (Respondent), holder
11 of Massage Therapist License Number MT-02725P in the State of Arizona, and the Board enter
12 into the following Recitals, Findings of Fact, Conclusions of Law and Order for Voluntary
13 Surrender of licensure (Consent Agreement) as a final disposition of this matter.

14 **RECITALS**

15 1. Respondent has read and understands this Consent Agreement and has had the
16 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
17 discuss this Consent Agreement with an attorney.

18 2. Respondent understands that they have a right to a public administrative hearing
19 concerning this matter, at which hearing Respondent could present evidence and cross-examine
20 witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily
21 relinquishes all right to such an administrative hearing, as well as rights of rehearing, review,
22 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
23 concerning the matters set forth herein.

24 3. While Respondent neither admits nor denies the following Findings of Fact and
25 Conclusions of Law, Respondent acknowledges that, should this matter proceed to hearing, the
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1 Board could establish by a preponderance of the evidence that Respondent engaged in conduct
2 which, if found to have committed in the future, could be used to order discipline under the
3 Board's statutes or rules. Therefore, Respondent has agreed to enter into this Consent Agreement
4 as an economical and practical means of resolving this case.

5 4 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

6 5. Respondent understands that this Consent Agreement or any part of the agreement
7 may be considered in any future disciplinary action by the Board against Respondent.

8 6. Respondent understands this Consent Agreement deals with Board case number
9 21-146 involving allegations that Respondent engaged in conduct that would subject Respondent
10 to discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

12 7. Respondent understands that this Consent Agreement does not constitute a
13 dismissal or resolution of any other matters currently pending before the Board, if any, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

16 8. Notwithstanding any language in this Consent Agreement and Order, this Consent
17 Agreement and Order does not preclude in any way any other State agency or officer or political
18 subdivision of this state from instituting proceedings, investigating claims, or taking legal action
19 as may be appropriate now or in the future relating to this matter or other matters concerning
20 Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act.
21 Respondent acknowledges that, other than with respect to the Board, this Consent Agreement
22 and Order makes no representations, implied or otherwise, about the views or intended actions of
23 any other state agency or officer or political subdivisions of the State relating to this matter or
24 other matters concerning Respondent.

1 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
2 and returning this document to the Board's Executive Director, Respondent may not revoke
3 Respondent's acceptance of the Consent Agreement or make any modifications to the document
4 regardless of whether the Consent Agreement has been signed by the Executive Director. Any
5 modification to this original document is ineffective and void unless mutually agreed by the
6 parties in writing.

7 10. The Consent Agreement is subject to the Board's approval, and will be effective
8 only when the Board accepts it by signature below. In the event the Board in its discretion does
9 not approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of no
10 evidentiary value, nor shall it be relied upon or introduced in any disciplinary action by any party
11 hereto, except that Respondent agrees that should the Board reject this Consent Agreement and
12 this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
13 its review and discussion of this document or of any records relating thereto.

14 11. This Consent Agreement is effective only when signed by the Executive Director
15 on behalf of the Board.

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

19 13. Respondent understands that this Consent Agreement constitutes disciplinary
20 action and is a public record that may be publicly disseminated as a formal action of the Board
21 and may be reported as required by law to the National Practitioner Data Bank or other such
22 databases.

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

1 **ACCEPTED AND AGREED BY RESPONDENT**

2
3 Sam Yo Larrabee

Dated: 5/13/22

4 Sam Yo Larrabee, LMT

5 **FINDINGS OF FACT**

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

8 2. Respondent is the holder of license number MT-02725P to practice as a Massage
9 Therapist in the State of Arizona.

10 3. On January 14, 2020, the Board was notified by Tempe Police Department
11 Detective R.K. that on October 30, 2019, Respondent was arrested during the course of a sting
12 operation. The information also indicated that Respondent had been charged with: Operating a
13 House of Prostitution, Prostitution, Money Laundering, Conducting an Illegal Enterprise,
14 Receiving Earnings of a Prostitute and Conspiracy. Based on this information the Board
15 conducted an investigation. Respondent failed to report the charges within 10 days as required by
16 law.

17 4. The Respondent has requested through their attorney this Consent Agreement for
18 Voluntary Surrender.

19 **CONCLUSIONS OF LAW**

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

22 2. The Board possesses statutory authority to enter into a consent agreement with a
23 massage therapist and accept the surrender of an active license from a massage therapist who
24 admits to having committed an act, which would subject the licensee to discipline under the
25 Board's statutes or rules. *See* A.R.S. § 32-4254(O)(2).
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3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(6), which states, “engaging in any act or practice in violation of this chapter or any board rule or aiding, abetting or assisting any other person in the violation of these provisions or rules.”

4. The conduct or circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-3208(A), which states, “a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional’s regulatory board in writing within ten working days after the charge is filed.”

ORDER

IT IS HEREBY ORDERED THAT License Number 02725P issued to Sam Yo Larrabee, LMT shall be **VOLUNTARILY SURRENDERED** upon the acceptance of this consent agreement by the Respondent and the thereafter signing of this Order by the Executive Director of the Board at the approval of the Board.

IT IS FURTHER ORDERED that the Respondent may not apply to the Board for licensure for at least five calendar years from the issuance date of this Order, as specified in A.R.S. § 32-4222 (A).

DATED this 13 day of May, 2022.

**ARIZONA STATE BOARD OF MASSAGE
THERAPY**

(Seal)

By:

Am. Aegyptia

Thomas Augherton
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this _ _ day of May 2022, with:

2
3 Arizona State Board of Massage Therapy
3 1740 West Adams, Suite 3401
4 Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
5 this _ day of May_2022, to:

6 Sam Yo Larrabee
7 Address of Record
7 *Respondent*

8 Copy of the foregoing emailed
9 this day of May, 2022, to:

9 DM Cantor
10 Davis, Miles, McGuire and Gardner
10 40 East Rio Salado Parkway, Suite 425
11 Tempe, Arizona 85281

12 Seamus Monaghan, AAG
12 2005 North Central Avenue, SGD/LES
13 Phoenix, Arizona 85004
13 *Attorney for the State*

14 Monique Coady, AAG
15 2005 North Central Avenue, SGD/LES
15 Phoenix, Arizona 85004
16 *Independent Attorney Advisor*

17 By: _____

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19 _ #10361191

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