

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3 )  
4 Cristinel Liciu, LMT )

5 )  
6 License No. MT-11114 )

7 As a Massage Therapist )

8 In the State of Arizona )  
9

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

10 Pursuant to Notice of Hearing Number 14-108 (Notice) this matter came before the Arizona  
11 Board of Massage Therapy (Board) on September 22, 2014.

12 Victoria Bowman presided at the meeting with Board members, Earl Duskey, Diane Pruetz, and  
13 John Ortega in attendance. Board member Dennis Beye was not present.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant  
15 Attorney General, Licensing and Enforcement Section. Chris Munns of the Solicitor General’s  
16 Section of the Attorney General’s Office was present and available to provide independent legal  
17 advice to the Board. Cristinel Liciu (Respondent) was present and was not represented by an  
18 attorney.

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

21 **AUTHORITIES AND JURISDICTION**

22  
23 1. The Board is the duly constituted authority for licensing and regulating the practice of  
24 massage therapy in the state of Arizona.

25 2. Respondent is the holder of license number MT-11114, which allows him to practice as a  
26 massage therapist in the state of Arizona.

27 3. Under A.R.S. § 32-4201, the Board has jurisdiction over the subject matter and over the  
28 Respondent as a licensee of the Board.

1 **FINDINGS OF FACT**

2 1. On September 29, 2013, female massage therapy client CN received a massage from  
3 Respondent in Phoenix, Arizona.

4 2. During the massage, Respondent touched CN's genitals.

5 **CONCLUSIONS OF LAW**

6 1. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the subject matter  
7 and over Respondent.

8 2. The Board may discipline a massage therapist who has engaged in sexual activity with a  
9 client. A.R.S. § 32-4253(A)(15).

10 3. The conduct and circumstances described above constitute sexual activity in violation of  
11 A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means sexual conduct). "Sexual conduct" means  
12 any direct or indirect touching, fondling, or manipulating of any part of the genitals or anus by  
13 any part of the body or by any object or causing a person to engage in that conduct. A.R.S. § 32-  
14 4253(B)(3)

15 4. The conduct and circumstances described above constitute sexual activity in violation of  
16 A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means making sexual advances, requesting sexual  
17 favors or engaging in other verbal conduct or physical contact of a sexual nature with a client).

18 **ORDER**

19  
20  
21 Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED  
22 that Respondent's license number MT-00004 is SUSPENDED for one year. During the year of  
23 suspension, Respondent shall complete 20 hours of in-house continuing education, consisting of  
24 a minimum of five hours on draping, a minimum of six hours on ethics, and a minimum of six  
25 hours on communications. The continuing education shall be in addition to the continuing  
26 education required for renewal of his license and be preapproved by staff. On the last day of the  
27 suspension Respondent's licensed is placed on probation for two years. Respondent must appear  
28 before the Board to request release from both suspension and probation.  
29

1 RIGHT TO PETITION FOR REHEARING OR REVIEW

2 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §  
3 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-  
4 five (35) days from the date of mailing if the Order was served by certified mail. The petition  
5 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.  
6 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement  
7 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes  
8 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the  
9 Board has expressly found good cause to believe that this Order shall be effective immediately  
10 upon the issuance and has so stated in this Order.

11 Dated and signed this 29<sup>th</sup> day of September, 2014.

12 ARIZONA BOARD OF MASSAGE THERAPY

13 By: Kathleen Phillips  
14 Kathleen Phillips  
15 Executive Director  
16

17 ORIGINAL OF THE FOREGOING FILED  
18 this 29<sup>th</sup> day of September, 2014 with the:  
19 Arizona State Board of Massage Therapy  
20 1400 West Washington, Suite 300  
21 Phoenix, AZ 85007  
22

23 EXECUTED COPY OF THE FOREGOING MAILED  
24 BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
25 this 29<sup>th</sup> day of September, 2014, to:

26  
27 Cristinel Liciu  
28 Address of Record  
29 Respondent  
30

31 COPY OF THE FOREGOING MAILED  
32 this 29<sup>th</sup> day of September, 2014, to:  
33 Christopher Munns  
34 Assistant Attorney General  
35 1275 W. Washington Street, CIV/SGO  
36 Phoenix, Arizona 85007  
37 Attorney for the Board

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

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