

1 MARK BRNOVICH
Attorney General
2 (Firm State Bar No. 14000)

3 Seamus Monaghan
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4 State Bar No. 034660
2005 N. Central, SGD/LES
5 Phoenix, Arizona 85004
Tel: (602) 542-7980
6 Fax: (602) 364-3202
Attorneys for the State

7
8 **BEFORE THE ARIZONA STATE**
9 **BOARD OF MASSAGE THERAPY**

10 In the Matter of

11 **JINGLAN LIU, LMT**

12 Holder of License No. MT-23985
As a Massage Therapist
13 In the State of Arizona

Board Case No. 20-100

**MOTION TO DEEM ALLEGATIONS
ADMITTED AND VACATE
FORMAL HEARING**

14
15 The State of Arizona hereby requests that the Arizona State Board of Massage
16 Therapy vacate the hearing scheduled for June 28, 2021, and deem the allegations
17 contained in the Board's Complaint and Notice of Hearing admitted pursuant to A.R.S. §
18 32-4254(H). A copy of the Complaint and Notice of Hearing is attached as **Exhibit A**.

19 On March 25, 2019, the Board issued an Order of Summary Suspension in this
20 case. Respondent's license remains suspended.

21 The Complaint notified Respondent that A.R.S. § 32-4254(H) required
22 Respondent to prepare and file with the Board a written Answer to the allegations in the
23 Complaint within thirty days after service. It further notified Respondent that the Board
24 could consider Respondent's failure to timely respond within thirty days an admission by
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1 default to the allegations stated in the Complaint, and that the Board could then take
2 disciplinary action without conducting a hearing. *See Exhibit B.*

3 The Board emailed and mailed the Complaint and Notice of Hearing by first-class,
4 certified and regular mail on April 27, 2021, to Respondent's address of record with the
5 Board. Notice of a complaint and hearing is effective when it has been sent by certified
6 mail to the licensee's last known address if record. A.R.S. § 32-4254(N). *See Exhibit C.*
7 Respondent's answer was therefore due on or before June 2, 2021.

8 On May 24, 2021, Respondent acknowledged receipt of the Board's complaint,
9 however she did not submit a substantive Answer or otherwise deny or admit the
10 allegations in the Board's Complaint and Notice of Hearing. *See Exhibit D.* Respondent
11 provided an administrative response accompanied by a dismissal of her charges from the
12 Tucson city court following diversion. The response addressed the fact there was a
13 hearing on this matter and whether she was required to attend. *Id.* In a subsequent email
14 received May 28, 2021, the Respondent also stated that she was no longer present in the
15 state of Arizona and could not return due to COVID-19 or attend her formal hearing, but
16 asked that her address of record be updated. *See Exhibit E.* The State does not consider
17 these emails to constitute an Answer under A.R.S. § 32-4254(H), as it does not address
18 the specific allegations in the Complaint and Notice of Hearing.
19

20 Because Respondent has failed to file an Answer within the time permitted by
21 statute, the State requests that the Board vacate the scheduled hearing and that the
22 allegations contained in the Complaint and Notice of Hearing be deemed admitted
23 pursuant to A.R.S. § 32-4254(H).
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RESPECTFULLY SUBMITTED this 25th day of June, 2021.

MARK BRNOVICH
Attorney General

/s/ Seamus Monaghan
Assistant Attorney General

Original of the foregoing filed via e-mail
this 25th day of June, 2021, with:

Arizona Board of Massage Therapy
thomas.ugherton@massageboard.az.gov

Copy of the foregoing mailed and e-mailed
this 25th day of June, 2021, to:

Jinglan Liu, LMT
300 South Val Vista Drive, Apt. 11
Mesa, Arizona 85204
Liujinglan660@gmail.com

Copy of the foregoing sent by
electronic mail this 25th
day of June, 2021, to:

Mary D. Williams, AAG
Office of the Attorney General
2005 North Central Ave., SGD/LES
Phoenix, Arizona 85004
Independent Attorney Advisory

Seamus Monaghan, AAG
Office of the Attorney General
2005 North Central Ave., SGD/LES
Phoenix, Arizona 85004
Attorney for the State

By: /s/ Anitra Herrera,
Secretary to John R. Tellier
Doc#9610723

EXHIBIT A

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

In the Matter of

JING LAN LIU, LMT

Holder of License No. MT-23985
As a Massage Therapist
In the State of Arizona.

Board Case No. 20-100

**NOTICE OF HEARING AND
COMPLAINT**

I. NOTICE OF PUBLIC HEARING.

YOU ARE HEREBY NOTIFIED, the Arizona Board of Massage Therapy (Board) will conduct an administrative hearing at the following place and time, to determine whether grounds exist to discipline Massage Therapist License No. MT-23985 held by Jing Lan Liu, LMT ("Respondent"):

**Arizona Board of Massage Therapy
1740 West Adams Street, Telephonic Board Meeting
Phoenix, Arizona 85004
On June 28, 2021 at 9:15 a.m.**

and continuing on successive days until concluding, concerning the matters set forth in this Complaint and Notice of Hearing, at which time and place, evidence, testimony and argument in support of the charges set forth in the Complaint will be presented. If you desire to make a defense to the charges at the hearing, you may appear at the hearing in person and may be represented by legal counsel and may at that time cross-examine the witnesses against you and present testimony of witnesses, evidence and argument in your own behalf.

Whether or not you intend to appear at the hearing, pursuant to A.R.S. § 32-4254(H), YOU ARE REQUIRED to prepare and file a written Answer to the allegations alleged in the above Complaint with the Board within thirty (30) days

9489 0090 0027 6139 7658 78

1 after service of this Complaint and Notice of Hearing. THE BOARD MAY
2 CONSIDER YOUR FAILURE TO RESPOND WITHIN THIS TIME AS YOUR
3 ADMISSION BY DEFAULT TO THE ALLEGATIONS STATED IN THE
4 COMPLAINT. *Id.* The Board may then take disciplinary action without conducting a
5 hearing. If you Answer and fail to appear for the hearing, the Board may proceed in your
6 absence.

7 After the hearing, if the Board determines that you have committed unprofessional
8 conduct or otherwise violated the Board's statutes and rules, it may revoke or suspend your
9 license, impose a civil penalty of up to \$10,000 for each violation, issue a decree of censure,
10 impose probation, order the payment of restitution, or take other disciplinary action. A.R.S. §
11 32-4254. If the Board determines that you have violated its statutes or rules, it may also charge
12 you the costs of the formal hearing. A.R.S. § 32-4254(K).

13 In accordance with Title II of the Americans with Disabilities Act (ADA), the Board does
14 not discriminate on the basis of disability in admission to and participation in hearings. Should
15 you, or anyone you call as a witness need special accommodations, please contact the Board
16 office at (602) 542-8225 at least three working days before the hearing.

17 If you require the services of an interpreter, you are responsible for paying the cost of that
18 interpreter. The interpreter must be certified to perform interpretation services in legal
19 proceedings in Arizona.

20 Pursuant to A.R.S. § 32-3206, you have the right to request a copy of the following
21 information from the Board:

- 22 1. Any review conducted by an expert or consultant providing an evaluation of or
23 opinion on the allegations.
- 24 2. Any records on the patient obtained by the board from other health care providers.
- 25 3. The results of any evaluations or tests of the health professional conducted at the
26 board's direction.
4. Any other factual information that the board will use in making its determination.

1 Please be advised that if you obtain the above-referenced information from the Board,
2 you may not release it to any other person or entity or use it in any proceeding or action except
3 the administrative proceeding or appeals related to the administrative proceeding. Violation of
4 this restriction constitutes an act of unprofessional conduct per A.R.S. § 32-3206(B). Also,
5 please be advised that pursuant to A.R.S. § 32-3206(C), you or your attorney may be charged for
6 the cost of providing the information received up to the fee for making a copy of each page as
7 prescribed by A.R.S. § 12-284(A).

8 **PARTIES AND JURISDICTION**

9 1. The Board is the duly constituted authority for licensing and regulating the
10 practice of massage therapy in the State of Arizona.

11 2. Respondent is the holder of license number MT-23985, which allows Respondent
12 to practice as a massage therapist in the State of Arizona. Respondent's license to practice
13 massage therapy expired on August 24, 2020, but the Board retains jurisdiction as the
14 Respondent was noticed of the complaint in July of 2019.

15 3. Under A.R.S. § 32-4201, *et seq.*, the Board possess jurisdiction over the subject
16 matter and over Respondent as a licensee of the Board.

17 **FACTUAL ALLEGATIONS**

18 1. On July 3, 2019, the Board received information that on August 28, 2018,
19 Respondent was arrested for Business-No License and Business-Employed Unlicensed Therapist
20 and was convicted of Business-No License on October 23, 2018.

21 2. The Board also received information that on April 18, 2019, Respondent was
22 arrested for General-Prostitution/Aid-Offer to Prostitute. Both arrests took place at AA Chinese
23 Massage, 5950 E Speedway Blvd, Tucson, Arizona.

1 3. At the Board’s September 2019 meeting, the Board voted to offer the licensee a
2 consent agreement for Voluntary Surrender of her license in lieu of moving forward with a
3 hearing. The consent agreement for voluntary surrender was not signed.

4 4. On November 17, 2020, the charges in connection with the April 18, 2019, arrest
5 had been dismissed by the prosecutor.

6 5. At the Board’s April 26, 2021, meeting it voted to move the matter straight to
7 formal hearing pursuant to its authority under A.R.S. § 32-4254(G). The motion was based on
8 the factual allegations contained in the Board’s investigative file and the police reports from the
9 Tucson Police Department undercover investigation into AA Chinese Massage in Tucson,
10 Arizona.

11 **ALLEGED VIOLATIONS**

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

14 2. The conduct and circumstances described above constitute grounds for discipline
15 pursuant to A.R.S. § 32-4253 (A)(10), which states, “engaging in conduct that could harm the
16 public.”

17 3. The conduct and circumstances described above constitute grounds for discipline
18 pursuant to A.R.S. § 32-4253(A)(16), which states, “failing to adhere to the recognized standards
19 and ethics of the massage therapy profession.”

20 4. The conduct and circumstances described above constitute grounds for discipline
21 pursuant to A.R.S. § 32-4253(A)(20), which states, “failing to report to the board any act or
22 omission of a licensee or applicant or any other person who violates this chapter.”

23 5. The Respondent allegedly violated A.R.S. § 32-3208, which states, “each Licensee
24 shall notify the Board in writing within ten (10) days after the issuance of a final order,
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1 judgement, arrest, or conviction of a felony or other offense involving moral turpitude or
2 prostitution, solicitation or any similar offense.”

3 6. The conduct and circumstances described above constitute grounds for discipline
4 pursuant to A.R.S. § 32-4253(A)(23), which states, “violating board statutes, rules, or orders.”

5
6 DATED this 27th day of April, 2021.

7 ARIZONA BOARD OF MASSAGE THERAPY

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10 By: 

11 Thomas Aughterton
12 Executive Director
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Original of the foregoing filed
this 27th day of April, 2021, with:

Arizona Board of Massage Therapy
1740 W. Adams St., Suite 3401
Phoenix, Arizona 85004

Executed Copy of the foregoing mailed via regular first-class U.S. mail and certified mail
this 27th day of April, 2021, to:

Jing Lan Liu
244 West Roger Road #3
Tucson, Arizona 85705
Respondent

Copy of the foregoing e-mailed
this 27th day of April, 2021, to:

Seamus Monaghan
Assistant Attorney General
2005 North Central Ave., SGD/LES
Phoenix, AZ 85004
Attorney for the State

By:  _____

Doc# 9468292

EXHIBIT B

A.R.S. 32-4254(H)

Investigative powers; emergency action; disciplinary proceedings; formal interview; hearing; civil penalty

H. A licensee shall respond in writing to the board within thirty days after notice of the hearing is served. The board may consider a licensee's failure to respond within this time as an admission by default to the allegations stated in the complaint. The board may then take any disciplinary action allowed pursuant to this chapter without conducting a hearing.

EXHIBIT C

A.R.S. 32-4254(N)

Investigative powers; emergency action; disciplinary proceedings; formal interview; hearing; civil penalty

N. Notice of a complaint and hearing is effective by a true copy of it being sent by certified mail to the licensee's last known address of record in the board's files. Notice of the complaint and hearing is complete on the date of its deposit in the mail. The board shall begin a formal hearing within one hundred twenty days after that date.

EXHIBIT D



Andrew White <andrew.white@messageboard.az.gov>

MESSAGE BOARD INFO

jinglan liu <liujinglan660@gmail.com>

Mon, May 24, 2021 at 8:08 PM

To: Andrew White <andrew.white@messageboard.az.gov>

Hi Andrew,

Thank you for your email to notify me, however, I didn't receive any letter in the past two years. In addition, I have successfully completed renewing my license last year. According to your email, I attached the copy of the dismissal result of the case mentioned in the notification. Could you please update with the board? Also do I need to attend the hearing? I appreciate your help.

Best Regards,
Jinglan Liu
[Quoted text hidden]

 **Dismissal.pdf**
199K

SM

MICHAEL G. RANKIN
City Attorney
Alan L. Merritt
Deputy City Attorney
Criminal Division
P.O. Box 27210
Tucson, Arizona 85726-7210
(520) 791- 4104

IN THE CITY COURT OF THE CITY OF TUCSON
COUNTY OF PIMA, STATE OF ARIZONA

STATE OF ARIZONA/CITY OF TUCSON,

Plaintiff,

vs.
JINGLAN LIU,

Defendant.

DOCKET NO(S). CM19021388

(CITATION NO. 21543679)

MOTION TO DISMISS AND VACATE
(DIVERSION COMPLETED)

(JUDGE BERNING)

00000501035011

The undersigned City Prosecutor/Assistant City Prosecutor moves to dismiss this action and vacate the pending court date for the following reason to wit: The Defendant has successfully completed a Diversion Program.

Vacate the TIC/hearing date currently set for 11/24/2020 2:00:00 PM.

Dated November 9, 2020




Alan L. Merritt

It is hereby ORDERED that the above styled action is dismissed and the TIC/hearing date is vacated on motion of the City Prosecutor for the above stated reason.


City Magistrate

Copy mailed/given this 9th day
of November, 2020 to:

Copies: Court Defendant Defense Attorney Prosecutor Life Skills 

00000501035011

EXHIBIT E

6/24/2021

State of Arizona Mail - MESSAGE BOARD INFO



Andrew White <andrew.white@messageboard.az.gov>

MESSAGE BOARD INFO

jinglan liu <liujinglan660@gmail.com>

Fri, May 28, 2021 at 10:16 AM

To: Andrew White <andrew.white@messageboard.az.gov>

Hi Andrew,

Thank you for your email. However, I am currently not physically in the State of Arizona, and I cannot go back due to the Covid-19. Therefore, it is impossible for me to attend the formal hearing on June 28 2021. Could you please kindly help me change my mailing address as 300 S Val Vista Dr, Apt 11, Mesa, AZ 85204? I appreciate your help.

Best regards,

Jinglan Liu

[Quoted text hidden]