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

In the Matter of:

STEVEN LOPEZ
Holder of License No. **MT-15349**

BOARD CASE Nos.

21-110 and 21-111

For the Practice as a Massage Therapist
In the State of Arizona

DECISION AND ORDER

RESPONDENT

On February 22, 2021, during a regularly scheduled board meeting, the Arizona State Board of Massage Therapy ("Board") conducted a Formal interview with Respondent Steven Lopez pursuant to A.R.S. § 32-4254(E). Respondent appeared and was represented by counsel. Following the Formal Interview, the Board substantiated violations of its statutes and issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Arizona State Board of Massage Therapy is the duly constituted agency for licensing and regulating the practice of massage therapy in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-4201, *et seq.*

2. Respondent is the holder of License Number 15349 which enables him to practice message therapy in the State of Arizona.

3. Respondent's license to practice massage therapy is valid until March 22, 2021.

4. At the Board's October 26, 2020, meeting the Board moved to consolidate case numbers 21-110 and 21-111 for the purposes of Formal interview.

5. On August 13, 2020, the Board received a complaint from R.R. that indicated she had received massage therapy services from the Respondent at Rubs Massage Studio in

1 Chandler, Arizona earlier that day, and that the Respondent committed multiple violations
2 towards her during the massage. This complaint refers to case no. 21-110.

3 6. Specifically, R.R. stated that the Respondent spent the majority of the massage on
4 her buttocks, including going under the sheet and grabbing her bare buttocks with his bare hands.
5 R.R. further indicated that the Respondent pulled her underwear down below her buttocks and
6 began to shake her back and forth. During this part of the massage, R.R. stated that the
7 Respondent massaged very close to her vulva and that at one point she felt his erect penis on her
8 arm as he leaned on her.

9 7. R.R. also stated that while lying on her back the Respondent focused mainly on
10 her chest area and at one point she felt her nipple was exposed when the sheer sheet she was
11 covered with was pulled down too far.

12 8. Lastly, R.R. stated that while on her back during the massage, the Respondent
13 tipped her up onto her side exposing her buttocks and underwear.

14 9. Subsequently on August 13, 2020, the Board received a second complaint
15 regarding the Respondent. The complaint stated that A.C. had received massage therapy services
16 from the Respondent at Rubs Massage Studio in Chandler, Arizona, shortly after R.R., and that
17 the Respondent also committed multiple violations towards her as well. This complaint refers to
18 case no. 21-111.

19 10. Specifically, A.C. stated that when she laid down on the table the sheet was so
20 sheer her whole body could be seen and that the sheet was not covering her during many aspects
21 of the massage and allowing her breasts to become exposed. A.C. also stated that the Respondent
22 immediately started to massage her buttocks even though she explained that she wanted him to
23 focus on her neck, shoulders and back. She further indicated that the Respondent continually
24 massaged her under the sheet on her bare skin and put his hands under A.C.'s underwear
25 massaging her bare buttocks.

26 11. A.C. also stated that when the Respondent moved up towards her head and
shoulders he began to grab her by the throat and pull her hair, while running his hands and

1 fingernails up and down her body. During this part of the massage, A.C. also felt as if the
2 Respondent was pressing his penis against her hand and leg.

3 12. At its February 22, 2021, board meeting the Board considered these matters and
4 based on the testimony presented and the factual allegations in the Board's investigative report it
5 moved to issue this Order for probation.

6 CONCLUSIONS OF LAW

7 1. The conduct and circumstances described above constitute grounds for discipline
8 pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to
9 the public), as it relates to A.R.S. § 32-4253(B)(2)(c) (defining "sexual activity" as: Making
10 sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact
11 of a sexual nature with a client.)

12 2. The conduct and circumstances described above constitute grounds for discipline
13 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
14 the massage therapy profession), as it relates to A.R.S. § 32-4253(B)(2)(g) (defining "sexual
15 activity" as: Intentionally viewing a completely or partially disrobed massage therapy client in
16 the course of treatment if the viewing is not related to treatment under current practice standards
17 and is intended to appeal to the prurient interest of the massage therapy client or the massage
18 therapist.)

19 3. The conduct and circumstances described above constitute grounds for discipline
20 pursuant to A.R.S. § 32-4253(A)(23), which states, "violating this chapter, board rules or a
21 written order of the board."

22 ORDER

23 IT IS HEREBY ORDERED that License Number MT-15349 issued to Steven Lopez to
24 practice as a massage therapist in the State of Arizona is hereby placed on Probation for One
25 year and Suspension for Three months, to run concurrently, subject to the following terms and
26 conditions:

1. Continuing Education.

1 Within **6 months** of the effective date of this Order, Respondent shall complete **16 hours**
2 of continuing education. The Respondent shall complete a minimum of **6 hours in ethics**, a
3 minimum of **4 hours in client communication** and a minimum of **4 hours in business**
4 **practices**. These continuing education hours shall be in addition to and shall not be used to
5 satisfy the hours required for the renewal of Respondent's massage therapist license under
6 A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of his continuing education
7 courses from Board or its designee (staff). Respondent shall provide the Board or its staff with
8 proof of successful completion of the continuing education hours in satisfaction of this
9 requirement.

10 **2. General Provisions.**

11 a. Respondent shall pay all necessary fees throughout the term of Respondent's
12 suspension to maintain Respondent's massage therapy license in active status.

13 b. Respondent shall pay all costs associated with complying with this Order.

14 c. If Respondent violates this Order in any way or fails to fulfill the requirements of this
15 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may
16 revoke, suspend or take other disciplinary actions against Respondent's license. The issue at
17 such a hearing will be limited solely to whether this Order has been violated.

18 d. This Order shall terminate **12 months** from the effective date of the Order, if all terms
19 and conditions have been successfully completed to the satisfaction of the Board.

20 **NOTICE OF APPEAL RIGHTS**

21 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03(B), you may
22 request a formal hearing by notifying the Board in writing within thirty-five (35) days from date
23 of this Order. If you request a formal hearing, you also have the right to request an informal
24 settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-
25 1092.06, no later than twenty (20) days before the scheduled hearing. The conference will be
26 held within fifteen (15) days after receipt of your request. Please note that you waive any right
to object to the participation of the Board's representative in the final administrative decision of

1 the matter if it is not settled at the conference.

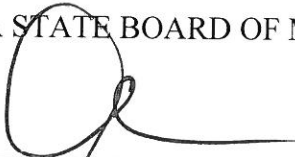
2 DATED this 2nd day of MARCH, 2021

3 ARIZONA STATE BOARD OF MASSAGE THERAPY

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By:



Thomas Augherton, Executive Director

1 Original Decision and Order
filed this 2nd day of March 2021 with the:

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

5 Copy of the foregoing sent via Certified, Regular, and Electronic mail –
This 2nd day of March 2021 to:

6 Robert J. Dilk
7 Welinchik and Bartness
8 2810 North Third Street
9 Phoenix, Arizona 85004
robertd@wb-law.com
Attorney for the Respondent

10 Steven Lopez, LMT
11 5665 West Galveston Street, Unit 4
12 Chandler, Arizona 85269
Respondent

13 COPY of the forgoing emailed -
14 This 2nd day of March 2021 to:

15 Seamus Monaghan
16 Assistant Attorney General
17 2005 North Central Avenue SGD/LES
Phoenix, Arizona 85004
Attorney for the Arizona Board of Massage Therapy

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