

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3)
4 **FRANK LOZANO, LMT**)

5)
6 License No. MT-16695)

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 16-129 (Notice) this matter came before the Arizona
11 Board of Massage Therapy (Board) on December 5, 2016.

12 Victoria Bowman, presided at the meeting with Board members John Ortega, Earl Duskey, and
13 Diane Pruetz in attendance.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant
15 Attorney General, Licensing and Enforcement Section. Mary D. Williams, Assistant Attorney
16 General, was present and available to provide independent legal advice to the Board. Frank
17 Lozano (Respondent) was present without an attorney.

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

20 **PARTIES AND JURISDICTION**

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

23 2. Respondent is the holder of license number MT-16695, which allows him to
24 practice as a massage therapist in the State of Arizona.

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

27 **FINDINGS OF FACT**

28 1. On November 11, 2015, female massage therapy client MT received a
29 massage from Respondent at Advanced Magnetic Research Institute (“AMRI”) in Tucson,
30 Arizona.

31 2. During the massage, Respondent, using a vibrator, massaged on and around
32 MT’s labia. In addition, touched MT’s labia with his hands.

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3 By: Kathleen Phillips

4 KATHLEEN PHILLIPS,

5 Executive Director
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8 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

9 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §
10 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-
11 five (35) days from the date of mailing if the Order was served by certified mail. The petition
12 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.
13 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement
14 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes
15 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the
16 Board has expressly found good cause to believe that this Order shall be effective immediately
17 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or
18 review within thirty days after service of the decision has the effect of prohibiting the parties
19 from seeking judicial review of the Board's decision.
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22

23 ORIGINAL OF THE FORGOING FILED
24 this 22 day of December, 2016, with:

25
26 Arizona Board of Massage Therapy
27 1400 West Washington, Suite 300
28 Phoenix, Arizona 85007

29
30 COPY OF THE FOREGOING MAILED
31 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
32 this 22 day of December, 2016, to:

33
34 Frank Lozano
35 Address of Record
36 Respondent
37

1 COPY OF THE FOREGOING MAILED

2 this 22 day of December, 2016, to:

3

4 Elizabeth A. Campbell

5 Assistant Attorney General

6 1275 W. Washington Street, CIV/LES

7 Phoenix, Arizona 85007

8 Attorney for the State

9

10 Mary D. Williams

11 Assistant Attorney General

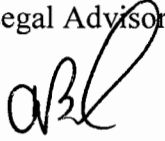
12 1275 W. Washington Street

13 Phoenix, Arizona 85007

14 Independent Legal Advisor

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