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

In the Matter of:

4 **JAIME MARTINEZ**
Holder of License No. **MT-18370**

BOARD CASE NOS. 18-118

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

DECISION AND ORDER

8 **RESPONDENT**

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10 On October 1, 2018, during a regularly scheduled board meeting, the Arizona State
11 Board of Massage Therapy (“Board”) held an Administrative Hearing to hear evidence, testimony
12 and arguments regarding this case. Assistant Attorney General Michael Raine represented the
13 State. Jaime Martinez (“Respondent”) was present and represented by Richard Gaxiola. Assistant
14 Attorney General, Mary DeLaat Williams, of the Licensing and Enforcement Section of the
15 Attorney General’s Office, appeared, in person, to provide independent legal advice to the Board.
16 After hearing all of the evidence and arguments presented by the parties, the Board issues the
following Findings of Fact, Conclusions of Law and Order:

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FINDINGS OF FACT

1. On November 17, 2017, client ST received massage therapy services from Respondent at Massage Envy in Phoenix, Arizona.

2. ST sought treatment for back pain and scheduled a ninety-minute massage with Respondent.

3. ST had previously seen Respondent for massage therapy services on multiple occasions.

4. During the massage, Respondent inserted his fingers into ST’s vagina without her consent, causing her pain.

5. ST initially believed that Respondent’s act of inserting his fingers into her vagina was a mistake, and said nothing so as not to embarrass Respondent.

1 is defined in A.R.S. §§ 32-4253(B)(2)(a) (defining “sexual activity” to include “sexual conduct”)
2 and -4253(B)(3) (defining “sexual conduct” to include touching a client’s genitals).

3 6. The conduct and circumstances described above constitute grounds for discipline
4 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
5 the massage therapy profession).

6 **ORDER**

7 Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, the Board
8 issues its order **REVOKING** the Respondent’s massage therapy license no. MT-18370.

9 **NOTICE OF APPEAL RIGHTS**

10 Respondent is hereby notified that he has the right to petition for a rehearing or review by
11 filing a petition with the Board's Executive Director within thirty (30) days after service of this
12 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
13 rehearing. A.A.C. R4-15-401(C). Service of this Order is effective on the date of personal delivery
14 or five days after the date of mailing. If a motion for rehearing is not filed, the Board's Order
15 becomes effective thirty (30) days after it is mailed to the Respondent. Respondent is further
16 notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the
17 Superior Court.

18 DATED this 18th day of October, 2018

19 ARIZONA STATE BOARD OF MASSAGE THERAPY

20 By: 
21 Ryan P. Edmonson, Executive Director

22 Original Decision and Order
23 filed this 18th day of October 2018 with the:

24 Arizona State Board of Massage Therapy
25 1740 West Adams Street, Suite 3401
26 Phoenix, Arizona 85007

1 Copy of the foregoing sent via
2 Regular and Electronic mail this
3 18th day of October 2018 to:

4 Jaime Martinez
5 1622 W. Villa Maria
6 Phoenix, Arizona 85023
7 jaimemartinez1159@gmail.com

8 Copy of the foregoing sent via
9 Electronic mail this 18th day of October 2018 to:

10 Michael Raine, Assistant Attorney General
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26 By:  _____