

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

3 In the Matter of

4 **YUNSONG MCCABE, LMT**

5 Holder of License No. MT-23897
6 As a Massage Therapist
7 In the State of Arizona.

Board Case No.

21-150

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
REVOCATION OF LICENSE**

8 The Arizona State Board of Massage Therapy (“Board”) held a Formal Administrative
9 Hearing on Tuesday, May 17, 2022 at 9:05 a.m. in the matter of YunSong McCabe, LMT.
10 Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona.
11 Monique Coady, Assistant Attorney General, appeared as independent advice counsel for the
12 Board. The Respondent was notified, but not present. Following the presentation of the State’s
13 case in chief the Board moved to adopt the following Findings of Fact, Conclusions of Law, and
14 Order for Revocation of licensure.

14 **FINDINGS OF FACT**

15 1. The Arizona State Board of Massage Therapy is the duly constituted agency for
16 licensing and regulating of the practice of massage therapy in the State of Arizona and has
17 jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S.
18 § 32-4201, *et seq.*

19 2. Respondent is the holder of license number 23897, which allows hers to practice
20 massage therapy in the state of Arizona.

21 3. On January 14, 2020, the Board was notified by Tempe Police Department
22 Detective R.K. that on November 13, 2019, Respondent was arrested during the course of an
23 undercover prostitution operation at Message W located at 1730 East Elliot Road in Tempe,
24 Arizona. The information also indicated that Respondent had been charged with: Employee of a
25 House of Prostitution, Prostitution, Money Laundering, Conducting an Illegal Enterprise and
26 Conspiracy. Based on this information the Board conducted an investigation. Respondent had
failed to report the above charges within 10 days as required by law.

1 4. During the course of its investigation the Board received Tempe Police
2 Department report number TE 2019-135641. According to the report, authored by Detective D.P.
3 (Detective), in 2017 he conducted an investigation into the massage establishment at 1730 East
4 Elliot Road in Tempe, Arizona. That investigation indicated that the massage establishment was
5 being utilized as a house of prostitution and that, “all the females at the business were
6 performing sex acts on male customers for money.” Following that investigation search warrants
7 were issued and the business was closed down.

8 5. The report further states, in February 2018 the detective noticed a new business
9 had opened at 1730 East Elliot Road, this time as Massage W. Between 2018 and November
10 2019, the Detective was able to discover reviews that were being posted regarding Massage W.
11 The reviews described female employees engaging in sex acts with male customers for money.
12 The Tempe Police Department also received complaints of illicit sexual activity at Message W
13 via community “tips”.

14 6. The report also notes that detectives made contact with many male customers
15 leaving Message W and that, “many of the male customers were admitting to receiving a sex act
16 from the female employee(s) and paid the female(s) for the sex act. Some men also indicated that
17 they been to Massage W more than once and had received sex acts from different females at the
18 facility. The Detective also noted that surveillance conducted at the business showed only male
19 customers entering the business and that no male employees were ever seen.

20 7. The report states that following an undercover operation, at which time it was
21 confirmed via an undercover agent that sex acts were occurring inside Massage W, Tempe Police
22 executed a search warrant at Massage W. The Respondent was found inside the establishment
23 and detained. She immediately requested an attorney, at which time questioning of her ceased. A
24 second search warrant was executed that evening at the apartment of the women who work at
25 Massage W. Detectives found evidence that Respondent resided at the apartment. They also
26 found at the apartment and business, cash totaling roughly \$10,000.00, 59 unused condoms, 19
finger condoms, 1 used condom and 492 empty condom wrappers. All evidence the police

1 determined was consistent with the Respondent and the women running Massage W engaging in
2 the operation of a house of prostitution.

3 8. On February 24, 2022, Board Staff mailed and emailed Respondent a notification
4 of complaint and Investigative Questionnaire with instructions to complete and return as required
5 by statute. To date Respondent has failed to return the Questionnaire as required.

6 9. The Board reviewed the preliminary investigative materials at its March 28, 2022,
7 regular Board meeting and based on the facts presented and the potential harm to the public
8 health, safety or welfare the Board determined the matter required emergency action and moved
9 to Summarily Suspend Respondent's license pending a formal hearing.

10 10. Based on the testimony and evidence presented during the hearing on May 17,
11 2022, the Board moved to revoke Respondent's license to practice massage therapy.

12 **CONCLUSIONS OF LAW**

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

15 2. The conduct and circumstances described above constitute grounds for discipline
16 pursuant to A.R.S. § 32-4253(A)(6), which states, "engaging in any act or practice in violation of
17 this chapter or any board rule or aiding, abetting or assisting any other person in the violation of
18 these provisions or rules."

19 3. The conduct and circumstances described above constitute grounds for discipline
20 pursuant to A.R.S. § 32-4253(A)(8), which states, "Committing an act of malpractice, gross
21 negligence or incompetency."

22 4. The conduct and circumstances described above constitute grounds for discipline
23 pursuant to A.R.S. § 32-4253(A)(10), which states, "engaging in conduct that could result in
24 harm or injury to the public."

25 5. The conduct and circumstance described above constitute grounds for discipline
26 pursuant to A.R.S. § 32-4253(A)(15), which states, "Engaging in sexual activity with a client,"
as it relates to A.R.S. § 32-4253(B)(2)(a) which defines "Sexual activity" as, "Sexual Conduct,"

1 as it relates to A.R.S. § 32-4253(B)(3), which defines “Sexual conduct” as, “[any] direct or
2 indirect touching, fondling or manipulating of any part of the genitals or anus by any part of the
3 body or by any object or causing a person to engage in that conduct,” and § 32-4253(B)(2)(c)
4 which defines “Sexual activity” as making sexual advances, requesting sexual favors or engaging
5 in other verbal conduct or physical contact of a sexual nature with a client.”

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

8 7. The conduct and circumstances described above constitute grounds for discipline
9 pursuant to A.R.S. § 32-3208(A), which states, “A health professional who has been charged
10 with a misdemeanor involving conduct that may affect patient safety or a felony after receiving
11 or renewing a license or certificate must notify the health professional’s regulatory board in
12 writing within ten working days after the charge is filed.”

13 **ORDER**

14 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
15 **ORDERED THAT** License No. 23897 issued to Respondent shall be **REVOKED** on the
16 effective date of this Order.

17 The effective date of this order is the date which it is signed by the Boards Executive
18 Director on behalf of the Board.

19 **NOTICE**

20 In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you
21 are required to exhaust your administrative remedies by filing a motion for rehearing or review
22 of the Board’s decision within thirty-five days after these Findings of Fact, Conclusions of Law,
23 and Order are mailed to you at your last known address, or thirty days after they are personally
24 served upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a
25 motion for rehearing or review in writing at the Board’s office by that date has the effect of
26 prohibiting you from seeking judicial review of the Board’s decision.

DATED THIS 23 DAY OF MAY, 2022.

ARIZONA STATE BOARD OF MASSAGE THERAPY



By: _____
Thomas Augherton, Executive Director

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Original Findings of Fact, Conclusions
Of Law, and Order for Revocation of License to
Practice Massage Therapy filed
this 23 day of May, 2022 with the:

Arizona Board of Massage Therapy
1740 West Adams Street, Suite 3401
Phoenix, Arizona 85007

Copy of the foregoing sent by Electronic,
Certified and Regular mail
this 23 day of May, 2022 to:

YunSong McCabe
Address of Record
Respondent

Copy of the foregoing sent by electronic mail
this 23 day of May, 2022 to:

Seamus Monaghan, Assistant Attorney General
Office of Arizona Attorney General
2005 North Central Avenue, SGD/LES
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Attorney for the State

Monique Coady, Assistant Attorney General
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Doc #10390700