

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

3 In the Matter of

4 **RASHAWN C. McMILLAN (a.k.a.**
5 **RASHAWN ABDUL), LMT,**

6 Holder of License No. MT-18045
7 As a Massage Therapist
8 In the State of Arizona

Board Case No. 15-131

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

9 On March 28, 2016, the Arizona Board of Massage Therapy (“the Board”) considered the state’s Motion to Deem Allegations admitted. Elizabeth Campbell, Assistant Attorney General, appeared on behalf of the State. Neither Respondent nor Respondent’s attorney appeared at the Board meeting. Mary Williams of the Solicitor General’s Office was available to provide independent legal advice to the Board.

13 After reviewing the record, the Board granted the State’s Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-573(E) and the Complaint and Notice of Hearing filed in this matter, the Board issues the following Findings of Fact, Conclusions of Law, and Order.

18 **PARTIES AND JURISDICTION**

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

21 2. Respondent is the holder of license number MT-18045, which allows him to
22 practice as a massage therapist in the State of Arizona.

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

1 **FACTUAL ALLEGATIONS**

2 1. On January 15, 2015, Respondent was convicted of Possession of Burglary
3 Tools, a Class 6 Undesignated Felony, in Maricopa County Superior Court Case No.
4 CR2013-460818.

5 2. Respondent failed to notify the Board that he had been charged with the
6 offense within 10 days after the charge was filed.

7 **ALLEGED VIOLATIONS**

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

10 2. The conviction described above in the Factual Allegations is grounds for
11 discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense
12 involving moral turpitude or conviction for prostitution, solicitation or another similar
13 offense. A conviction by a court of competent jurisdiction is conclusive evidence of the
14 commission of the crime).

15 3. A Class 6 Undesignated Felony is treated as a felony for all purposes until
16 such time as a court may actually enter an order designating the offense as a
17 misdemeanor. A.R.S. § 13-604(A).

18 4. The conduct described in the Factual Allegations, paragraph 2 constitutes
19 unprofessional conduct under A.R.S. § 32-3208(A) and (D), which provide that it is
20 unprofessional conduct for a health professional who has been charged with a
21 misdemeanor involving conduct that may affect patient safety or a felony after receiving
22 or renewing a license or certificate to fail to notify the health professional's regulatory
23 board in writing within ten working days after the charge is filed.

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ORDER

IT IS HEREBY ORDERED that Respondent's license is **Revoked**.

DATED this 31st day of March, 2016

ARIZONA BOARD OF MASSAGE THERAPY

By: *Kathleen Phillips*
KATHLEEN PHILLIPS,
Executive Director

RIGHT TO PETITION FOR REHEARING OR REVIEW

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

ORIGINAL OF THE FORGOING FILED
this 31st day of March, 2016, with:

Arizona Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
This 31st day of March, 2016, to:

Rashawn C. McMillan Abdul
Address of Record
Respondent

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COPY OF THE FOREGOING MAILED

This 31st day of March, 2016, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

Mary Williams
Assistant Attorney General
1275 W. Washington Street,
Phoenix, Arizona
