

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

2 In the Matter of:

3)
4 **AMBER MCPHERSON, LMT**)

5)
6 License No. MT-12572)

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 11-101 (Notice) this matter came before the Arizona
11 Board of Massage Therapy (Board) on November 28, 2011.

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

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant
15 Attorney General, Licensing and Enforcement Section. Chris Munns, of the Solicitor General's
16 Section of the Attorney General's Office was present and available to provide independent legal
17 advice to the Board. Amber McPherson (Respondent) was present, but was not represented by an
18 attorney. The Board, after considering the testimony and evidence presented, hereby issues the
19 following Findings of Fact, Conclusions of Law, and Order.

20 **AUTHORITIES AND JURISDICTION**

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

24 2. Respondent is the holder of license number MT-12572, which allows her to practice as a
25 massage therapist in the state of Arizona.

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

1 **FINDINGS OF FACT**

2 1. On or about January 11, 2011, Respondent was convicted of unlawful discharge of a
3 firearm, a class 6 undesignated felony, in Maricopa County Superior Court case number
4 CR2010-123812.

5 **CONCLUSIONS OF LAW**

6 1. The conviction described above is grounds for discipline under A.R.S. § 32-4253(A)(10)
7 (Engaging in conduct that could result in harm or injury to the public).

8 **ORDER**

9
10 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**
11
12 that Respondent's license number **MT-12572** is placed on probation during which respondent
13 shall complete an eight hour class of ethics pre-approved by Board staff. The ethics class shall be
14 completed within six months from the date this order. After completion of the ethics class,
15 respondent shall appear before the Board with a document that shows completion of the ethics
16 class and request to be released from probation.

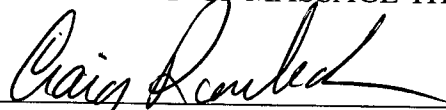
17 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

1 from seeking judicial review of the Board's decision.

2 Dated and signed this 29 day of November, 2011.

3 ARIZONA BOARD OF MASSAGE THERAPY

4 By: 

5 Craig Runbeck, N.M.D.
6 Executive Director
7
8
9

10
11 ORIGINAL OF THE FOREGOING FILED
12 this 29th day of November, 2011 with the:
13 Arizona State Board of Massage Therapy
14 1400 West Washington, Suite 300
15 Phoenix, AZ 85007
16

17 EXECUTED COPY OF THE FOREGOING MAILED
18 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
19 this 29th day of November, 2011, to:

20
21 Amber McPherson
22 1440 E. Broadway Rd #2148
23 Tempe, Arizona 85282
24 Respondent/Licensee
25

26 COPY OF THE FOREGOING MAILED
27 this 29th day of November, 2011, to:

28
29 Christopher Munns
30 Assistant Attorney General
31 1275 W. Washington Street, CIV/SGO
32 Phoenix, Arizona 85007
33 Attorney for the Board
34

35 Elizabeth Campbell
36 Assistant Attorney General
37 1275 W. Washington Street, CIV/LES
38 Phoenix, Arizona 85007
39 Attorney for the State
40
41
42
43
44