

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

3 In the Matter of:

4 **JON H. MORGAN, LMT**
5 Holder of License No. **MT-22557**

BOARD CASE NO. 18-101

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 December 11, 2017, during a regularly scheduled board meeting, the Arizona
11 State Board of Massage Therapy ("Board") held an Administrative Hearing to hear evidence,
12 testimony and arguments regarding this case. Assistant Attorney General Michael Raine
13 represented the State. Jon H. Morgan, LMT, ("Respondent") did not appear. Assistant Attorney
14 General, Mary DeLaat Williams, of the Licensing and Enforcement Section of the Attorney
15 General's Office, appeared in person to provide independent legal advice to the Board. After
16 hearing all of the evidence and arguments presented by the parties, the Board issues the following
Findings of Fact, Conclusions of Law and Order:

17 **FINDINGS OF FACT**

- 18 1. On June 26, 2017, Respondent engaged in unwanted sexual activity with client JN, while
19 providing her massage therapy services at her home.
- 20 2. Respondent massaged JN' s breasts without prior written permission, and placed his hand
21 on her vulva and clitoris, moving his fingers in a circular motion several times.
- 22 3. Respondent apologized to JN when she told him "No."
- 23 4. JN filed a police report for sexual assault with the Scottsdale Police Department, case
24 number 17-14223.
- 25 5. Respondent was arrested on or about July 10, 2017, he was indicted for Sexual Abuse, a
26 Class 5 Felony. The criminal case is pending as of the date of the Board's Complaint and Notice
of Hearing.
6. Respondent has never provided the Board with notice of the criminal charges.

1 **CONCLUSIONS OF LAW**

2 1. The conduct and circumstances described above constitute grounds for discipline pursuant
3 to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or any board
4 rule).

5 2. The conduct and circumstances described above constitute grounds for discipline pursuant
6 to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to the public).

7 3. The conduct and circumstances described above constitute grounds for discipline pursuant
8 to A.R.S. § 32-4253(A)(13) (practicing or offering to practice beyond the scope of the practice of
9 massage therapy).

10 4. The conduct and circumstances described above constitute grounds for discipline pursuant
11 to A.R.S. § 32-4253(A)(14) (engaging in the performance of substandard care by a massage
12 therapist due to a deliberate or negligent act or failure to act, regardless of whether actual injury to
13 the person cared for is established).

14 **ORDER**

15 Based on the foregoing, the Board **REVOKES** the Respondent’s massage therapy license
16 no. MT-22557.

17 **NOTICE OF APPEAL RIGHTS**

18 Respondent is hereby notified that he has the right to petition for a rehearing or review by
19 filing a petition with the Board's Executive Director within thirty (30) days after service of this
20 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
21 rehearing. A.A.C. R4-1-114(C). Service of this Order is effective on the date of personal delivery
22 or five days after the date of mailing. If a motion for rehearing is not filed, the Board's Order
23 becomes effective thirty (30) days after it is mailed to the Respondent. Respondent is further
24 notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the
25 Superior Court.

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1 DATED this 24th day of January, 2018

2 ARIZONA STATE BOARD OF MASSAGE THERAPY

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4 By: 
5 Ryan P. Edmonson, Executive Director

6 Original Decision and Order
7 filed this 24th day of January 2018 with the:

8 Arizona State Board of Massage Therapy
9 1740 West Adams Street, Suite 3401
10 Phoenix, Arizona 85007

11 Copy of the foregoing sent via
12 Regular and Electronic mail this
13 24th day of January 2018 to:

14 John H. Morgan, LMT
15 815 N. 52nd Street, #2209
16 Phoenix, AZ 85008
17 morgan-jh@hotmail.com

18 Copy of the foregoing sent via
19 Electronic mail this 24th day of January 2018 to:

20 Michael Raine, Assistant Attorney General
21 Office of Arizona Attorney General – SGD/LES
22 1275 West Washington Street
23 Phoenix, AZ 85007
24 michael.raine@azag.gov

25 Mary DeLaat Williams
26 Licensing & Enforcement Section
Office of the Attorney General - SGD/LES
1275 West Washington
Phoenix, AZ 85007
maryd.williams@azag.gov

By: 