

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

3 In the Matter of:

4 **TRAVIS MIGIZI NILES**
5 Holder of License No. **MT-23746**

BOARD CASE NOS. 18-119 & 18-120

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

DECISION AND ORDER

8 **RESPONDENT**
9

10 On July 30, 2018, the Arizona State Board of Massage Therapy (“Board”) held an
11 Administrative Hearing in the above referenced matter. Travis Migizi Niles (“Respondent”) did
12 not appear and was not represented by legal counsel. Assistant Attorney General Michael Raine
13 represented the State. Assistant Attorney General, Marc H. Harris, of the Licensing and
14 Enforcement Section of the Attorney General’s Office, appeared in person to provide independent
15 legal advice to the Board. After considering all of the evidence and arguments, the Board issues
16 the following Findings of Fact, Conclusions of Law and Order (“Decision and Order”):
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18 **FINDINGS OF FACT – FILE NO. 18-119**

19 1. On August 27, 2017, Respondent provided massage therapy services to client AM
20 at Massage Envy in Phoenix, Arizona.

21 2. During AM’s massage, Respondent massaged AM’s breasts without prior written
22 consent.

23 3. Respondent also engaged in draping techniques that unnecessarily exposed
24 AM’s breasts.

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FINDINGS OF FACT – FILE NO. 18-120

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2 1. On August 15, 2017, Respondent provided massage therapy services to LS at
3 Massage Envy in Phoenix, Arizona.

4 2. During LS’s massage, Respondent massaged LS’s breasts without prior written
5 consent.

6 3. Respondent also climbed on the massage table or otherwise positioned himself to
7 press his clothed genitals against LS’s body, including her buttocks.

8 **CONCLUSIONS OF LAW**

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

12 2. The conduct and circumstances described above constitute grounds for discipline
13 pursuant to A.R.S. § 32-4253(A)(8) (committing an act of malpractice, gross negligence, or
14 incompetency).

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

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

21 5. The conduct and circumstances described above constitute grounds for discipline
22 pursuant to A.R.S. § 32-4253(A)(14) (engaging in substandard care due to deliberate or negligent
23 conduct, whether or not it results in actual injury to a client).

24 6. The conduct and circumstances described above constitute grounds for discipline
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1 pursuant to A.R.S. § 32-4253(A)(15) (engaging in any “sexual activity” with a client, as that term
2 is defined in A.R.S. §§ 32-4253(B)(2)(a) (defining “sexual activity” to include “sexual conduct”),
3 -4253(B)(3) (defining “sexual conduct” to include direct or indirect touching of the genitals to any
4 part of the body), and -4253(B)(2)(e) (defining “sexual activity” to include a breast massage
5 without prior written consent).

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

9 **ORDER**

10 Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, the Board
11 issues the following Order:

12 It is ordered **REVOKING** Respondent’s massage therapy license no. MT-23746.

13 It is further ordered that, within 30 days of the date of this Order, Respondent shall: 1)
14 **REIMBURSE** AM \$45 for the services she paid for on August 27, 2017; and 2) submit written
15 confirmation to the Board that he has timely reimbursed AM.

16 It is further ordered that, within 30 days of the date of this Order, Respondent shall: 1)
17 **REIMBURSE** LS \$90 for the services she paid for on August 15, 2017; and 2) submit written
18 confirmation to the Board that he has timely reimbursed LS.

19 The effective date of this Decision and Order is the date that is signed by Board’s Executive
20 Director.

21 **NOTICE OF APPEAL RIGHTS**

22 Respondent is hereby notified that he has the right to request a rehearing or review by filing
23 a petition with the Board's Executive Director within 30 days after service of this Decision and
24 Order. Service of this Decision and Order is effective on the date of personal delivery or five
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1 days after the date of mailing. A.R.S. § 41-1092.09. The request for a rehearing or review must
2 set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-15-401(C). If a
3 motion for rehearing or review is not filed, the Board's Decision and Order becomes effective 35
4 days after it is mailed to Respondent. Respondent is further notified that the filing of a motion for
5 rehearing or review is required to preserve any rights of appeal to the Superior Court.

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7 DATED this 7th day of August, 2018

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9 ARIZONA STATE BOARD OF MASSAGE THERAPY

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11 By: 
12 Ryan P. Edmonson, Executive Director

13 Original Decision and Order
14 filed this 7th day of August 2018 with the:

15 Arizona State Board of Massage Therapy
16 1740 West Adams Street, Suite 3401
17 Phoenix, Arizona 85007

18 Copy of the foregoing sent via
19 Regular and Electronic mail this
20 7th day of August 2018 to:

21 Travis Migizi Niles
22 2140 West Thunderbird Road, #1718
23 Phoenix, Arizona 85023
24 Studentoftruth89@gmail.com
25 Respondent
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1 Copy of the foregoing sent via
Electronic mail this 7th day of August 2018 to:

2 Michael Raine, Assistant Attorney General
3 Office of Arizona Attorney General – SGD/LES
4 2005 North Central Avenue
Phoenix, Arizona 85067
michael.raine@azag.gov
5 Attorney for the State

6 Marc H. Harris
7 Licensing & Enforcement Section
8 Office of the Attorney General - SGD/LES
2005 North Central Avenue
Phoenix, Arizona 85067
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9 Independent Attorney Advisor

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11
12 By:  _____

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