

**BEFORE THE ARIZONA BOARD OF  
MASSAGE THERAPY**

**In the Matter of:  
AARON ORRICO, LMT**

**Holder of License No. MT-20172**

**Case No. 17-100**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

On April 24, 2017, 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 an attorney for Respondent was present. Mary Williams, Independent Advisor from the Attorney General’s Office, was available to provide independent legal advice to the Board.

After reviewing the record and hearing from the parties, the Board granted the State’s Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-4254(H) and the Complaint and Notice of Hearing filed in this matter, the Board issues the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On February 18, 2016, female massage therapy client MN received a massage from Respondent at Namti in Sedona, Arizona. During the massage, Respondent touched MN’s genitals.
2. On June 7, 2016, female massage therapy client SY received a massage from Respondent at Namti in Sedona, Arizona. During the massage, Respondent removed the drape from SY’s body (SY was completely undressed), fully exposing her and massaged both breasts. In addition, Respondent touched SY’s genitals and around her anus. SY had not consented to a breast massage.

3. On November 3, 2016, female massage therapy client pw received a massage from Respondent at The Spa of Sedona in Sedona, Arizona. During the massage, Respondent touched PW's breasts and genitals. PW had not consented to a breast massage. During the massage, Respondent exposed PW's genitals and breasts and made sexual comments to her.

### **CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. 32-4201 *et seq.*
2. The Board may discipline a massage therapist who has engaged in conduct that could result in harm or injury to the public. A.R.S. § 32-4253(A)(10).
3. The conduct described in Findings of Fact paragraphs 2 and 3 constitutes grounds for discipline under A.R.S. § 32-4253(A)(16) (Failing to adhere to the recognized standards and ethics of the massage therapy profession). A.R.S. § 32-4251(B) requires that a massage therapist adhere to the recognized standards and ethics of the massage therapy profession. A licensee shall provide draping that ensures the safety, comfort, and privacy of the client. A.A.C. R4-15-103(1)(E).
4. The conduct described in the Findings of Fact paragraphs 1-3 above constitute grounds for disciplinary action under A.R.S. § 32-4253(A)(16) (Failing to adhere to the recognized standards and ethics of the massage therapy profession). A.R.S. § 32-4251(B) further requires that a massage therapist adhere to the recognized standards and ethics of the massage therapy profession. A licensee shall refrain from engaging in sexual activity with the client even if the client attempts to sexualize the relationship. A.A.C. R4-15-103(1)(H).
5. The Board may discipline a massage therapist who has engaged in sexual activity with a client. A.R.S. § 32-4253(A)(15).
6. The conduct and circumstances described in the Findings of Fact paragraphs 1-3 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means

sexual conduct). “Sexual conduct” means any direct or indirect touching, fondling, or manipulating of any part of the genitals or anus by any part of the body or by any object or causing a person to engage in that conduct. A.R.S. § 4253(B)(3).

7. The conduct and circumstances described in the Findings of Fact paragraphs 1-3 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(c) (“Sexual activity” means making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with a client).

8. The conduct described above in the Findings of Fact paragraphs 2-3 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(d) (“Sexual activity” means intentionally viewing a completely or partially disrobed massage therapy client in the course of treatment if the viewing is not related to treatment under current practice standards and is intended to appeal to the prurient interest of the massage therapy client or the massage therapist.

9. The conduct and circumstances described above in the Findings of Fact paragraphs 2-3 constitutes sexual activity in violation of A.R.S. § 32-4253(B)(2)(e) (“Sexual activity” means massaging, touching or applying any instrument or device by a licensee in the course of practicing or engaging in massage therapy to the breasts of a female client unless the client requests breast massage and signs a written consent.

### **ORDER**

**IT IS HEREBY ORDERED** that Respondent’s license number MT-20172 is **Revoked**.

### **NOTICE**

Any aggrieved party may appeal this decision by filing a written request for Rehearing or Review with the Board within thirty (30) days of service of this Decision. Service of this Decision is effective on personal delivery or **five** days after the date of mailing. A motion for Rehearing or Review shall conform to the requirements set forth in the Board’s rules at A.A.C. R4-15-401 and shall be served on the opposing party. The filing of a Motion for Rehearing or

Review is required in order to exhaust a party's administrative remedies. The failure to file a Motion for Rehearing or Review will preclude a party from seeking judicial review of this Decision.

Dated this 26<sup>th</sup> day of April, 2017.

Arizona Board of Massage Therapy

  
Kathleen Phillips, Executive Director

ORIGINAL of the foregoing filed this 26<sup>th</sup> day of April, 2017, with:

Arizona Board of Massage Therapy  
1400 W Washington St, Suite 300  
Phoenix, AZ 85007

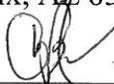
COPY of the foregoing sent certified mail this 26<sup>th</sup> day of April, 2017, to:

Aaron Orrico  
Address of Record  
Respondent/Licensee

COPY of the foregoing mailed/delivered this 26<sup>th</sup> day of April, 2017, to:

Elizabeth Campbell  
Assistant Attorney General  
1275 W. Washington, CIV/LES  
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Mary Williams, Assistant Attorney General  
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By  \_\_\_\_\_