

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

2 In the Matter of:

3  
4 **JUSTIN MICHAEL PAIGE, LMT**

5  
6 Holder of License No. MT-16199

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, Case Number 13-102, (Notice) this matter came before the  
11 Arizona Board of Massage Therapy (Board) on May 20, 2013.

12 Dennis Beye, president, presided at the meeting with Board members Victoria Bowman, John  
13 Ortega, Diane Pruetz, and Earl Duskey in attendance. The State was represented by the Office of  
14 the Attorney General, Elizabeth Campbell, Assistant Attorney General, Licensing and  
15 Enforcement Section. Diana Rasner of the Solicitor General’s Section of the Attorney General’s  
16 Office was telephonically available to provide independent legal advice to the Board.

17 Respondent was present at the hearing. The Board, after considering the testimony and evidence  
18 presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

19 **AUTHORITIES AND JURISDICTION**

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

23 2. Respondent is the holder of license number MT-16199, which allows him to practice as a  
24 massage therapist in the state of Arizona.

25 3. Under A.R.S. §§ 32-3201, et seq., the Board has jurisdiction over the subject matter and  
26 over the Respondent as a licensee of the Board.

27 **FINDINGS OF FACT**

1. On September 26, 2012, female massage therapy client CM received a massage from Respondent.
2. During the massage, Respondent touched CM's breast. CM had not consented to a breast massage.
3. On February 11, 2013, Respondent was convicted of Attempted Sexual Abuse, a class 6 undesignated offense, in Pima County Superior Court Case NO. CR20123777 in connection with the September 26, 2012 incident.

### CONCLUSIONS OF LAW

1. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the subject matter and over Respondent.
2. The conviction described above in the Findings of Fact is grounds for discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense involving moral turpitude or conviction for prostitution, solicitation or another similar offense. A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.
3. A class 6 undesignated felony is treated as a felony for all purposes until such time as a court may actually enter an order designating the offense as a misdemeanor. A.R.S. § 13-702(G).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED** that Respondent's license number **MT-16199** is **REVOKED**.

### 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 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 motion for rehearing or review shall stay the enforcement

1 of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes  
2 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the  
3 Board has expressly found good cause to believe that this Order shall be effective immediately  
4 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or  
5 review within thirty days after service of the decision has the effect of prohibiting the parties  
6 from seeking judicial review of the Board's decision.

7 Dated and signed this 23rd day of May, 2013.

8 ARIZONA BOARD OF MASSAGE THERAPY

9 By: Kathleen Phillips

10 Kathleen Phillips  
11 Deputy Director  
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21 ORIGINAL OF THE FOREGOING FILED  
22 this 23rd day of May, 2013 with the:  
23 Arizona State Board of Massage Therapy  
24 1400 West Washington, Suite 300  
25 Phoenix, AZ 85007

26  
27 EXECUTED COPY OF THE FOREGOING MAILED  
28 BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
29 this 23rd day of May, 2013, to:

30  
31 Justin Michael Paige  
32 4643 E. 7<sup>th</sup> Street  
33 Tucson, AZ 85711  
34 Respondent/Licensee

35  
36  
37 COPY OF THE FOREGOING MAILED  
38 this 23<sup>rd</sup> day of May, 2013, to:

39  
40 Diana Rasner  
41 Assistant Attorney General

1 1275 W. Washington Street, CIV/SGO  
2 Phoenix, Arizona 85007  
3 Attorney for the Board

4  
5 Elizabeth Campbell  
6 Assistant Attorney General  
7 1275 W. Washington Street, CIV/LES  
8 Phoenix, Arizona 85007  
9 Attorney for the State

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