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**BEFORE THE ARIZONA BOARD  
OF MASSAGE THERAPY**

In the Matter of

**Jeffery Phillips, LMT,**

Holder of License No. MT-05090

As a Massage Therapist

In the State of Arizona

Board Case No. 15-121

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

On September 28, 2015, 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 Respondent’s attorney appeared at the Board meeting. Christopher Munns of the Solicitor General’s Office was available to provide independent legal advice to the Board.

After reviewing the record, 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.

**PARTIES AND JURISDICTION**

1. The Board is the duly constituted authority for licensing and regulating the practice of massage therapy in the State of Arizona.

2. Respondent is the holder of license number MT-05090, which allows him to practice as a massage therapist in the State of Arizona.

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

**FINDINGS OF FACT**

1           1.       From November 2013 until March 2014, Respondent engaged in sexual activity,  
2 including sexual intercourse, with massage therapy client AC. Respondent would perform  
3 massages in various stages of undress, including naked.

**CONCLUSIONS OF LAW**

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5           1.       The Board possesses jurisdiction over the subject matter and over respondent  
6 pursuant to A.R.S. § 32-4201 *et seq.*

7           2.       The Board may discipline a massage therapist who has engaged in sexual activity  
8 with a client. A.R.S. § 32-4253(A)(15).

9           3.       The conduct and circumstances described above constitute sexual activity in  
10 violation of A.R.S. § 32-4253(B)(2)(a) (“Sexual activity” means sexual conduct).”Sexual conduct  
11 means any direct or indirect touching, fondling, or manipulating of any part of the genitals or anus  
12 by any part of the body or by any object of causing a person to engage in that conduct. A.R.S. §  
13 32-4253(B)(3).

14           4.       The conduct and circumstances described above constitute in violation of A.R.S. §  
15 32-4253(B)(2)(c) (“Sexual activity means making sexual advances, requesting sexual favors or  
16 engaging in other verbal conduct or physical contact of a sexual nature with a client.

17           5.       The conduct and circumstances described above constitute sexual activity in  
18 violation of A.R.S. § 32-4253(B)(2)(d) (“Sexual activity” means intentionally viewing a  
19 completely or partially disrobed massage therapy client in the course of treatment if the viewing  
20 is not related to treatment under current practice standards and is intended to appeal to the prurient  
21 interest of the massage therapy client of massage therapist.

22           6.       The conduct and circumstances above constitute in violation of A.R.S. §  
23 32-4253(B)(2)(h) (“Sexual activity means exposing the massage therapist’s anus or genitals to a  
24 client.

25           7.       The conduct and circumstances described above constitute grounds for in violation  
26 of 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 refrain  
from engaging in sexual activity with the client even if the client attempts to sexual the  
relationship. A.A.C. R4-15-103(1)(H)

**ORDER**

**IT IS HEREBY ORDERED** that Respondent's license is **Revoked**.

DATED this 30th day of September, 2015

**ARIZONA STATE BOARD OF MASSAGE  
THERAPY**

By: *Kathleen Phillips*  
Kathleen Phillips  
Executive Director

**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 day 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 to seeking judicial review of this Decision.

ORIGINAL OF THE FORGOING FILED

this \_\_\_\_ day of September 30, 2015, with:

Arizona Board of Massage Therapy  
1400 West Washington, Suite 300  
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED

1 BY CERTIFIED & REGULAR FIRST-CLASS MAIL

2 this 30th day of September , 2015, to:

3 Jeffery Phillips

4 (Address of Record)

5 Respondent

6 COPY OF THE FOREGOING MAILED

7 this 30th day of September, 2015, to:

8  
9 Christopher Munns

10 Assistant Attorney General

11 1275 W. Washington Street, CIV/SGO

12 Phoenix, Arizona 85007

13 Attorney for the Board

14 Elizabeth A. Campbell

15 Assistant Attorney General

16 1275 W. Washington Street, CIV/LES

17 Phoenix, Arizona 85007

18 Attorney for the State

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