



State of Arizona
Governor: Janice K. Brewer

Arizona State Board of Massage Therapy

1400 W. Washington, Ste. 300 ♦ Phoenix, AZ 85007
Voice Telephone: 602-542-8604 ♦ Fax: 602-542-8804
Website: www.massageboard.az.gov ♦ Dr. Craig Runbeck, Executive Director

December 9, 2011

Shannon Preston
4802 N. 18th Avenue #B111
Phoenix, AZ 85015

Re: Arizona Board of Massage Therapy Application

Dear Ms. Preston:

At its November 28, 2011, Board meeting, the Arizona State Board of Massage Therapy (the "Board") denied your application for licensure as a massage therapist ("Application") under A.R.S. §§ 32-4222(A)(9) and -4253(A)(4) and (10). In denying your Application, the Board considered your May 13, 2009 convictions for endangerment (a class 6 undesignated offense) and driving under the influence (a class 1 misdemeanor) in Maricopa County Superior Court case number CR2007-165546.

Under A.R.S. § 32-4222(A)(9), an applicant cannot be currently under investigation, suspension or restriction by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline pursuant to the Board's statutes. As part of processing your Application, the Board investigated your criminal history.

Your 2009 endangerment conviction is a class 6 undesignated offense. A class 6 undesignated offense is treated as a felony for all purposes until such time as a court actually enters an order designating the offense as a misdemeanor. A.R.S. § 13-604(A). A felony conviction is conduct subject to discipline under A.R.S. § 32-4253(A)(4) (Being convicted of a felony or other offense involving moral turpitude or any 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).

Your 2009 endangerment and DUI convictions are also conduct subject to discipline under A.R.S. § 32-4253(A)(10)(Engaging in conduct that could result in harm or injury to the public).

It is your right to appeal the Board's denial of your Application. If you wish to appeal, you must request a hearing in writing thirty (30) days from the date you receive this letter. A formal hearing will be scheduled for your appeal.

If you choose to appeal the Board's denial of your Application, you may request an informal settlement conference pursuant to A.R.S. § 41-1092.06. Any written or oral

statements made by you at the settlement conference, including any written document, created or expressed solely for the purpose of settlement negotiations are inadmissible in any subsequent administrative hearing. By participating in the settlement conference, you waive your right to object to the participation of any agency representative in the final administrative decision. A.R.S. § 41-1092.06(B).

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Phillips".

Kathleen Phillips
Deputy Director

c: Elizabeth A. Campbell, Assistant Attorney General
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