

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

In the Matter of

**DESIREE RAMSEY, LMT,**

Holder of License No. MT-01126P  
As a Massage Therapist  
In the State of Arizona

Board Case No. 15-124

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

On January 25, 2016, the Arizona State Board of Massage Therapy 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 appeared. Chris Munns of the Solicitor's General Office was available to provide legal advice.

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. § 32-4253(H) and the Complaint and Notice of Hearing No. 15-124 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-01126P, which allows her 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. From at least August 2014 until at least October 2014, Respondent, who was employed as a massage therapist at a spa in Gilbert, Arizona, engaged in sexual activity with massage therapy client AH.

**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 sexual activity with a client. A.R.S. § 32-4253(A)(15).

3. The conduct and circumstances described above constitute 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. § 32-4253(B)(3).

4. The conduct and circumstances described above constitute 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).

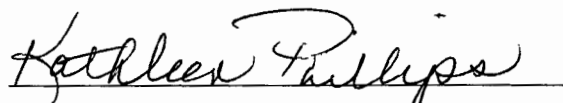
5. The conduct described above constitutes grounds for discipline under A.R.S. § 32-4253(A)(16) (Failing to adhere to the recognized standards and ethics of the massage therapy profession). A.R.S. § 32-4251(B) further requires that a massage therapist refrain from engaging in sexual activity with the client even if the client attempts to sexualize the relationship. A.A.C. R4-15-103(1)(H).

### **ORDER**

**IT IS HEREBY ORDERED** that Respondent's license number MT-01126P is **Revoked**.

Dated this 27th day of January 26, 2016.

Arizona Board of Massage therapy



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 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.

ORIGINAL OF THE FORGOING FILED  
this 27th day of January, 2016, with:

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

COPY OF THE FOREGOING MAILED  
BY CERTIFIED & REGULAR FIRST-CLASS MAIL  
this 27th day of January 2016, to:

Desiree Ramsey  
Address of Record  
Respondent

COPY OF THE FOREGOING MAILED  
this 27th day of January, 2016, to:

Christopher Munns  
Assistant Attorney General  
1275 W. Washington Street, CIV/SGO  
Phoenix, Arizona 85007  
Attorney for the Board

Elizabeth A. Campbell  
Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
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Attorney for the State

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