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8 **BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**

9 In the Matter of

Case No. 14-132

11 **SARAH ANN REINKE,**

**CONSENT AGREEMENT FOR
RENEWAL OF LICENSE WITH
CIVIL PENALTY**

12 License No. MT-16888 as a
13 Massage Therapist in the
State of Arizona

14 **CONSENT AGREEMENT**

15 As Sarah Ann Reinke ("Applicant") has made application to the Arizona State
16 Board of Massage Therapy (the "Board") for renewal of her license as a massage
17 therapist and, consistent with the public interest, statutory requirements and the
18 responsibilities of the Board under A.R.S. § 32-4201, *et. seq.*, the Board and Applicant
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") for renewal of licensure.

21 **RECITALS**

22 1. Applicant has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Applicant understands that she has a right to a public administrative hearing
2 concerning this matter, at which hearing she could present evidence and cross examine
3 witnesses. By entering into this Consent Agreement, Applicant knowingly and
4 voluntarily relinquishes all right to an administrative hearing, as well as all rights of
5 rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Applicant affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Applicant acknowledges and agrees that, upon signing this Consent
10 Agreement and returning this document to the Board's Executive Director, she may not
11 revoke her acceptance of the Consent Agreement or make any modifications to the
12 document regardless of whether the Consent Agreement has been signed by the
13 Executive Director. Any modification to this original document is ineffective and void
14 unless mutually agreed by Applicant and the Board in writing.

15 5. Applicant understands that the Consent Agreement shall not become
16 effective unless and until signed by the Board's Executive Director on behalf of the
17 Board.

18 6. This Consent Agreement is subject to the approval of the Board and is
19 effective only when accepted by the Board and signed by the Executive Director. In the
20 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
21 be of no evidentiary value and shall not be relied upon nor introduced in any action by
22 any party, except that the parties agree that should the Board reject this Consent
23 Agreement and this case proceeds to hearing, Applicant shall assert no claim that the
24 Board was prejudiced by its review and discussion of this document or any records
25 relating thereto.

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1 7. Applicant understands that this Consent Agreement does not constitute a
2 dismissal or resolution of any other matters currently pending before the Board, if any,
3 and does not constitute any waiver, express or implied, of the Board's statutory authority
4 or jurisdiction regarding any other pending or future investigation, action or proceeding.

5 8. Applicant also understands that acceptance of this Consent Agreement does
6 not preclude any other agency, subdivision, or officer of this State from instituting any
7 other civil or criminal proceedings with respect to the conduct that is the subject of this
8 Consent Agreement.

9 9. If a court of competent jurisdiction rules that any part of this Consent
10 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
11 shall remain in full force and effect.

12 10. Applicant understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

16 11. Applicant understands that any violation of this Consent Agreement may
17 result in disciplinary action. A.R.S. § 32-4253(A)(23).

18 12. Applicant agrees that the Board will adopt the following Findings of Fact,
19 Conclusions of Law and Order.

20 ACCEPTED AND AGREED BY SARAH ANN REINKE

21
22 
23 Sarah Ann Reinke

Dated: 8/4/2014

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1 FINDINGS OF FACT

2 1. The Board is the duly constituted authority for licensing and regulating the
3 practice of Massage Therapy in the State of Arizona.

4 2. At its July 2014 meeting, the Board considered Applicant's application for
5 renewal of her license as a massage therapist in the State of Arizona.

6 3. On April 28, 2014, Applicant signed the application for renewal stating that
7 she had completed at least 24 hours of continuing education. Applicant had not
8 completed the required number of continuing education hours as claimed in her renewal
9 application. Applicant has now completed the required continuing education hours.

10 4. In addition, Applicant failed to notify the Board in writing within 10 days
11 after an address change as required by A.R.S. § 32-4224(C).

12 CONCLUSIONS OF LAW

13 1. The Board possesses jurisdiction over the subject matter and over Applicant
14 pursuant to A.R.S. § 32-1901 *et seq.*

15 2. Using fraud, deceit, or misrepresentation in obtaining or attempting to
16 obtain a license or the renewal or reinstatement of a license is grounds for disciplinary
17 action and denial of licensure. A.R.S. §§ 32-4222(G) and -4253(A)(2).

18 3. Engaging in any act or practice in violation of the Board statutes is grounds
19 for disciplinary action and denial of licensure. A.R.S. §§ 32-4222(G) and -4253(A)(6).

20 4. The Board, having considered the foregoing, finds that Applicant currently
21 meets the requirements for renewal of her massage therapy license, subject to the terms
22 of this Consent Agreement.

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1 ORDER

2 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
3 ORDERED AS FOLLOWS:

4 1. Upon Applicant's payment of the \$40 delinquent renewal fee, Applicant's
5 massage therapy license is renewed.

6 2. Within ninety (90) days from the effective date of this Consent Agreement,
7 Applicant shall pay a civil penalty of \$250.

8 3. If Applicant violates this Order in any way or fails to fulfill the
9 requirements of this Order, the Board, after giving notice and the opportunity to be heard,
10 may revoke, suspend or take other disciplinary actions against the license. The issue at
11 such a hearing will be limited solely to whether this Order has been violated.

12 DATED this 6th day of August, 2014.

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14 ARIZONA STATE BOARD OF MASSAGE
15 THERAPY

16 By: Kathleen Phillips
17 KATHLEEN PHILLIPS,
18 Executive Director
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1 ORIGINAL OF THE FORGOING FILED
this 6th day of August, 2014, with:

2
3 Arizona State Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING HAND DELIVERED AT BOARD OFFICE
5 this 6th day of August, 2014, to:

6 Sarah Ann Reinke
1100 N. Priest Drive #1146
7 Chandler, AZ 85226
Applicant

8
9 Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
10 Phoenix, Arizona 85007
Attorney for the Board

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12 S. Conger
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