

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

In the Matter of:)	CASE NO. 22-106
)	
ALPHONSO RODGERS)	
Holder of License No. 07324)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
For the Practice of Massage Therapy)	ORDER FOR REVOCATION
In the State of Arizona)	
)	

The Arizona State Board of Massage Therapy (“Board”) held a Formal Administrative Hearing on Monday, February 28, 2022, at 9:00 a.m. in the matter of Alphonso Rodgers, LMT. Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona. Monique Coady, Assistant Attorney General, appeared as independent advice counsel for the Board. The Respondent was not present and not represented by counsel. Following the presentation of the State’s case in chief the Board moved to adopt the following Findings of Fact, Conclusions of Law, and Order for Revocation of licensure.

FINDINGS OF FACT

1. The Arizona State Board of Massage Therapy is the duly constituted agency for licensing and regulating of the practice of massage therapy in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-4201, *et seq.*

2. Respondent is the holder of license number MT-07324, which allows Respondent to practice as a massage therapist in the State of Arizona.

3. On July 20, 2021, the Board received a complaint from DV alleging that during the course of a massage therapy session on July 17, 2021, at Rubs Massage in Chandler, Arizona, the Respondent committed multiple actionable violations of Boards statute and rule.

4. DV alleges that the massage was “horrible from the start,” and that she wanted to leave after “20 minutes”. Specifically, she alleges that shortly after beginning the massage the Respondent had DV roll onto her back. At this point the Respondent pulled the draping down below DV’s breast and began massaging her bare chest and nipples. DV never gave written or oral

1 permission for the Respondent to massage her breasts and nipples. DV stated she was in shock but
2 was able to get the Respondent to stop massaging her breasts.

3 5. The complaint further alleges that after DV successfully redirected the massage
4 back to her shoulders the Respondent again began to massage her breasts and nipples which were
5 still exposed. Even though she was in shock DV alleges she was able to stop the massage by
6 demanding the Respondent stop, stating that she was done with the massage.

7 6. DV alleges she then got dressed worrying the whole time that the Respondent
8 would attempt to walk in on her. When she exited the room DV alleges that the Respondent was
9 standing there and stated, "Bye Gorgeous".

10 7. Within three days of the alleged assault DV reached out to the establishment, filed
11 a complaint with the Board and filed a police report with the Chandler Police Department (Report
12 #21-78377). Rubs Massage terminated the Respondent's employment as a result of the allegations.

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14 8. On October 25, 2021, the Board considered the allegations presented in the
15 investigative report and moved to forward this matter to formal hearing for possible revocation of
16 Respondent's license to practice massage therapy.

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter and over Respondent
19 pursuant to A.R.S. § 32-4201 *et seq.*

20 2. The conduct and circumstances described above constitute grounds for discipline
21 pursuant to A.R.S. § 32-4253(A)(8), which states, "committing an act of malpractice, gross
22 negligence or incompetency."

23 3. The conduct and circumstances described above constitute grounds for discipline
24 pursuant to A.R.S. § 32-4253(A)(10), which states, "engaging in conduct that could result in harm
25 or injury to the public."

26 4. The conduct and circumstances described above constitute grounds for discipline
pursuant to A.R.S. § 32-4253 (A)(14), which states, "engaging in the performance of substandard

1 care by a massage therapist due to a deliberate or negligent act, regardless of whether actual injury
2 to the person cared for is established.”

3 5. The conduct and circumstances described above constitute grounds for discipline
4 pursuant to A.R.S. § 32-4253(A)(15), which states, “engaging in sexual activity with a client,” as
5 it relates to A.R.S. § 32-4253(B)(2)(d) (defining “sexual activity” as: intentionally viewing a
6 completely or partially disrobed massage therapy client in the course of treatment if the viewing
7 is not related to treatment under current practice standards and is intended to appeal to the prurient
8 interest of the massage therapy client or the massage therapist) and A.R.S. § 32-4253(B)(2)(e)
9 (defining “sexual activity” as: Massaging, touching or applying an instrument or device by a
10 licensee in the course of practicing or engaging in massage therapy to the breasts of a female client
11 unless the client request breast massage and signs a written consent form. If the client is a minor,
12 the consent form must in the signature of the client’s parent or legal guardian authorizing the
13 procedure and outlining the reason for the procedure before the procedure is performed).

14 6. The conduct and circumstances described above constitute grounds for discipline
15 pursuant A.R.S. § 32-4253(A)(16), which states, “failing to adhere to the recognized standards and
16 ethics of the massage therapy profession.”

17 7. The conduct and circumstances described above constitute grounds for discipline
18 pursuant to A.R.S. § 32-4253(A)(23), which states, “violating board statutes, rules, or orders.”

19 **ORDER**

20 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
21 **ORDERED THAT** License No. 07324 issued to Respondent shall be **REVOKED** on the
22 effective date of this Order.

23 The effective date of this order is the date which it is signed by the Boards Executive
24 Director on behalf of the Board.

25 **NOTICE**

26 In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you are
required to exhaust your administrative remedies by filing a motion for rehearing or review of the

1 Board's decision within thirty-five days after these Findings of Fact, Conclusions of Law, and
2 Order are mailed to you at your last known address, or thirty days after they are personally served
3 upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a motion for
4 rehearing or review in writing at the Board's office by that date has the effect of prohibiting you
5 from seeking judicial review of the Board's decision.

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11 DATED THIS 28 DAY OF FEBRUARY, 2022.

12 ARIZONA STATE BOARD OF MASSAGE THERAPY

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15
16
17 By: _____
18 Thomas Augherton, Executive Director

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Original Findings of Fact, Conclusions
Of Law, and Order for Revocation of License to
Practice Massage Therapy filed
this 28 day of February, 2022, with the:

Arizona Board of Massage Therapy
1740 West Adams Street, Suite 3401
Phoenix, Arizona 85007

Copy of the foregoing sent by Electronic,
Certified and Regular mail
this 28 day of February, 2022, to:

Alphonso Rodgers
Address of Record
Respondent

Copy of the foregoing sent by email
this 28 day of February, 2022, to:

Seamus Monaghan, Assistant Attorney General
Office of Arizona Attorney General
2005 North Central Avenue, SGD/LES
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Attorney for the State

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