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

In the Matter of

JACK ROGERSON, LMT

Holder of License No. MT-01531
As a Massage Therapist
In the State of Arizona

Board Case Nos.

20-125

20-143

**CONSENT AGREEMENT FOR
SURRENDER OF MASSAGE
THERAPY LICENSE**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, Jack Rogerson (Respondent), holder of Massage Therapist License Number MT-01531 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that he has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

3 4. Respondent understands that this Consent Agreement or any part of the
4 agreement may be considered in any future disciplinary action by the Board against
5 Respondent.

6 5. Respondent understands this Consent Agreement deals with Board case
7 number 20-125 and 20-143 involving allegations that Respondent engaged in conduct
8 that would subject Respondent to discipline under the Board's statutes and rules. The
9 investigation into these allegations against Respondent shall be concluded upon the
10 Board's adoption of this Consent Agreement.

11 6. Respondent understands that this Consent Agreement does not constitute a
12 dismissal or resolution of any other matters currently pending before the Board, if any,
13 and does not constitute any waiver, express or implied, of the Board's statutory authority
14 or jurisdiction regarding any other pending or future investigation, action or proceeding.

15 7. Notwithstanding any language in this Consent Agreement and Order, this
16 Consent Agreement and Order does not preclude in any way any other State agency or
17 officer or political subdivision of this state from instituting proceedings, investigating
18 claims, or taking legal action as may be appropriate now or in the future relating to this
19 matter or other matters concerning Respondent, including but not limited to, violations of
20 Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to
21 the Board, this Consent Agreement and Order makes no representations, implied or
22 otherwise, about the views or intended actions of any other state agency or officer or
23 political subdivisions of the State relating to this matter or other matters concerning
24 Respondent.

1 8. Respondent acknowledges and agrees that, upon signing this Consent
2 Agreement and returning this document to the Board's Executive Director, Respondent
3 may not revoke Respondent's acceptance of the Consent Agreement or make any
4 modifications to the document regardless of whether the Consent Agreement has been
5 signed by the Executive Director. Any modification to this original document is
6 ineffective and void unless mutually agreed by the parties in writing.

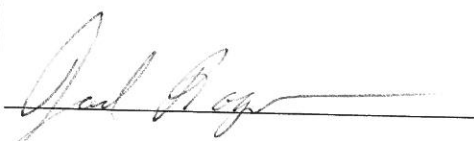
7 9. This Consent Agreement is effective only when signed by the Executive
8 Director on behalf of the Board.

9 10. 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 11. Respondent understands that this Consent Agreement constitutes
13 disciplinary action and is a public record that may be publicly disseminated as a formal
14 action of the Board and may be reported as required by law to the National Practitioner
15 Data Bank or other such databases.

16 12. Respondent agrees that the Board will adopt the following Findings of Fact,
17 Conclusions of Law and Order.

18
19 ACCEPTED AND AGREED BY RESPONDENT

20
21 
22 Jack Rogerson

Dated: 12/24/20

23 *PLEASE See ATTACHED Letter*
FINDINGS OF FACT

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

1 2. Respondent is the holder of license number MT-01531 to practice as a
2 Massage Therapist in the State of Arizona.

3 3. On October 23, 2019, the Board received a complaint from MM a coworker
4 of the Respondent. The complaint alleged that Respondent, who is the former owner of
5 and now a massage therapist at MM's place of employment, exposed himself both
6 genitals and anus to MM while she was giving him a massage, stating, "I'm not shy. I
7 don't use a sheet." Respondent after noticing that MM was uncomfortable, poorly placed
8 a washcloth over his genitals, but allowed it to continually move around exposing his
9 genitals.

10 4. The complaint also alleged that on or about the same time MM was
11 required to have a massage from Respondent as part of her training regimen. MM stated
12 that Respondent demanded that she be naked for the massage and refused to cover MM
13 with a sheet. Respondent then fondled MM's breast below the pectorals, stating he was
14 giving her a breast exam.

15 5. The complaint further alleged that on another occasion, while Respondent
16 was massaging MM, he reached around the front of her hips and placed his hand over her
17 unclothed vagina. MM immediately ended the session.

18 5. On October 24, 2019, the Board received a complaint from JL, a coworker
19 of the Respondent. The complaint alleged that in September of 2019, after joining the
20 Respondents place of work, she witnessed him fondling women's breasts and touching
21 the inner thighs of women in inappropriate places during her training sessions with
22 Respondent.

23 6. The complaint also alleged that during training sessions with Respondent
24 he would refuse to wear clothes or be draped. He would continually ask for JL to
25 massage his glutes as she "still needed to train," according to Respondent. This conduct
26

1 made JL uncomfortable and after no change in Respondent's behavior, JL resigned from
2 employment.

3 7. On January 7, 2020, the Board received a complaint from ES. The
4 complaint alleged that after being hired in September 2019 at Respondent's place of
5 employment, ES was required to give Respondent a massage to determine if she was
6 skilled enough. When ES entered the room, Respondent was naked on top of the table
7 without covering. ES made Respondent cover himself up.

8 8. The complaint further alleged that Respondent then told ES that he had to
9 give her a massage as well. During the massage ES noted that there was a mirror on the
10 wall that allowed Respondent to see her naked body as she turned over on the bed. The
11 complaint states that Respondent also made jokes that ES's breast were "peeking" out at
12 him.

13 9. At its November 23, 2020, meeting the Board voted to offer this Consent
14 Agreement for Voluntary Surrender of his license.

15 CONCLUSIONS OF LAW

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

18 2. The Board possesses statutory authority to enter into a consent agreement
19 with a massage therapist and accept the surrender of an active license from a massage
20 therapist who admits to having committed an act, which would subject the licensee to
21 discipline under the Board's statutes or rules. *See* A.R.S. § 32-4254(O)(2).

22 3. The conduct and circumstances described above constitute grounds for
23 discipline pursuant to A.R.S. § 32-4253(A)(8), which states, "committing an act of
24 malpractice, gross negligence or incompetency."
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4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253 (A)(10), which states, “engaging in conduct that could harm the public.”

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

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

7. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23), which states, “violating Board statutes, rules, or orders” as it relates to A.R.S. § 32-4253(B)(2)(d), which defines “sexual activity” as [“Intentionally viewing a completely or partially disrobed massage therapy client in the course of treatment if the viewing is not related to treatment under current practice standards and is intended to appeal to the prurient interest of the massage therapy client or the massage therapist.”].

ORDER

IT IS HEREBY ORDERED that License Number MT-01531 issued to Jack Rogerson to practice as a massage therapist in the State of Arizona is hereby SURRENDERED.

DATED this 31st day of December, 2020.

ARIZONA STATE BOARD OF MASSAGE
THERAPY

1 (Seal)

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4 By: 

Thomas Augherton
Executive Director


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11 ORIGINAL OF THE FORGOING FILED
this 31st day of December __2020, with:

12 Arizona State Board of Massage Therapy
13 1740 West Adams, Suite 3401
14 Phoenix, Arizona 85007

15 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
this 31st day of December __2020, to:

16 Jack Rogerson
17 P.O. Box 2815
18 Lake Havasu City, Arizona 86405
Respondent

19 Seamus Monaghan, AAG
20 2005 North Central Avenue
Phoenix, Arizona 85004
Attorney for the Board

21 By: 
#9135208