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

In the Matter of:

MICHAEL SALAS-FELIX
Holder of License No. **MT-23828**

BOARD CASE NO. 18-114

For the Practice as a Massage Therapist
In the State of Arizona

DECISION AND ORDER

RESPONDENT

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On October 1, 2018, during a regularly scheduled board meeting, the Arizona State Board of Massage Therapy (“Board”) held an Administrative Hearing to hear evidence, testimony and arguments regarding this case. Assistant Attorney General Michael Raine represented the State. Michael Salas-Felix (“Respondent”) was present and represented himself. Assistant Attorney General, Mary DeLaat Williams, of the Licensing and Enforcement Section of the Attorney General’s Office, appeared, in person, to provide independent legal advice to the Board. After hearing all of the evidence and arguments presented by the parties, the Board issues the following Findings of Fact, Conclusions of Law and Order:

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FINDINGS OF FACT

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1. On October 30, 2017, client AM received massage therapy services from Respondent at Massage Envy in Glendale, Arizona.
 2. During the Massage, Respondent touched AM’s genitals.
 3. Client AM told Respondent to stop, instructing him to move towards her neck and shoulders as a means to have him stop touching her genitals.
 4. Respondent then touched AM’s breasts in an inappropriate manner.
 5. Client AM had not provided Respondent with a signed, written consent for a breast massage.

1 6. Following the massage, client AM reported the incident to the Glendale Police
2 Department as a sexual assault.

3 **CONCLUSIONS OF LAW**

4 1. The conduct and circumstances described above constitute grounds for discipline
5 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or
6 any board rule), as it relates to any alleged statutory violation asserted below.

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

10 3. The conduct and circumstances described above constitute grounds for discipline
11 pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to
12 the public).

13 4. The conduct and circumstances described above constitute grounds for discipline
14 pursuant to A.R.S. § 32-4253(A)(14) (engaging in substandard care due to deliberate or negligent
15 conduct, whether or not it results in actual injury to a client).

16 5. The conduct and circumstances described above constitute grounds for discipline
17 pursuant to A.R.S. § 32-4253(A)(15) (engaging in any “sexual activity” with a client, as that term
18 is defined in A.R.S. §§ 32-4253(B)(2)(a) (defining “sexual activity” to include “sexual conduct,”
19 which is defined in A.R.S. § 32-4253(B)(3) to include “direct or indirect touching . . . of any part
20 of the genitals”), and -4253(B)(2)(e) (defining “sexual activity” to include a breast massage
21 without prior written consent).

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

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1 **ORDER**

2 Based on the Board’s adoption of the Findings of Fact and Conclusions of Law, it is hereby
3 ordered that license number MT-23828 issued to Michael Salas-Felix to practice as a massage
4 therapist in the State of Arizona is **SUSPENDED** for six (6) months from the effective date of this
5 Order.

6 It is further ordered, upon completion of the suspension, that the Respondent’s license shall
7 be placed on **PROBATION** one (1) year.

8 It is further ordered that within the six (6) months suspension and the one (1) year
9 probationary period Respondent shall take and complete twenty (20) hours of in-person continuing
10 education – eight (8) hours shall be in the area of communication, six (6) shall be in the area of
11 ethics and six (6) shall be in the area of business practices. These continuing education hours shall
12 be in addition to and may not be used to satisfy the hours required for the renewal of Respondent’s
13 massage therapist license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval
14 of his continuing education courses from Board or its designee (staff).

15 It is further ordered that at the end of the six (6) months suspension, Respondent shall make
16 a written request to appear before the Board, in person, to update the Board on what he has learned
17 from the continuing education and request the Board to lift the suspension. Failure to make a
18 written request to the Board to lift the suspension shall result in the suspension continuing
19 indefinitely, pending Respondent’s written request to lift the suspension.

20 **GENERAL PROVISIONS:**

21 1. Respondent shall pay all necessary fees and complete all continuing education
22 requirements throughout the term of his probation to maintain his massage therapy license.
23 Throughout the term of Respondent’s probation, Respondent shall personally appear before the
24 Board when requested to do so by the Board or Board staff.

25 2. Respondent shall obey all federal and state laws and rules governing the practice of
26 Massage Therapists.

3. Respondent shall pay all costs associated with complying with this Order.

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

5 5. Respondent shall remain in compliance with all requirements of his Order and shall
6 inform the Board within ten (10) days regarding any changes to the terms of his Order or his
7 address of record with the Board.

8 **NOTICE OF APPEAL RIGHTS**

9 Respondent is hereby notified that he has the right to petition for a rehearing or review by
10 filing a petition with the Board's Executive Director within thirty (30) days after service of this
11 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a
12 rehearing. A.A.C. R4-15-401(C). Service of this Order is effective on the date of personal delivery
13 or five days after the date of mailing. If a motion for rehearing is not filed, the Board's Order
14 becomes effective thirty (30) days after it is mailed to the Respondent. Respondent is further
15 notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the
16 Superior Court.

17 DATED this 18th day of October, 2018

18 ARIZONA STATE BOARD OF MASSAGE THERAPY

19
20 By: 
21 Ryan P. Edmonson, Executive Director

22 Original Decision and Order
23 filed this 18th day of October 2018 with the:

24 Arizona State Board of Massage Therapy
25 1740 West Adams Street, Suite 3401
26 Phoenix, Arizona 85007

1 Copy of the foregoing sent via
2 Regular and Electronic mail this
3 18th day of October 2018 to:

4 Michael Salas Felix
5 13313 North Cesar Chavez Drive
6 El Mirage, Arizona 85335
7 michaelsalas288@gmail.com

8 Copy of the foregoing sent via
9 Electronic mail this 18th day of October 2018 to:

10 Michael Raine, Assistant Attorney General
11 Office of Arizona Attorney General – SGD/LES
12 2005 North Central Avenue
13 Phoenix, Arizona 85067
14 michael.raine@azag.gov

15 Mary DeLaat Williams
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17 Office of the Attorney General - SGD/LES
18 2005 North Central Avenue
19 Phoenix, Arizona 85067
20 maryd.williams@azag.gov

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By: _____

