

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

3 In the Matter of

4 **DANNY SHAN, LMT**

5 Holder of License No. MT-26073
6 As a Massage Therapist
7 In the State of Arizona

Board Case No.

21-128

**CONSENT AGREEMENT AND ORDER
FOR PROBATION**

8 In the interest of a prompt and judicious settlement of this case, consistent with the public
9 interest, statutory requirements and the responsibilities of the Arizona State Board of Massage
10 Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, Danny Shan (Respondent), holder of Massage
11 Therapist License Number MT-26073 in the State of Arizona, and the Board enter into the
12 following Recitals, Findings of Fact, Conclusions of Law and Order for Suspension (Consent
13 Agreement) as a final disposition of this matter.

14 **RECITALS**

15 1. While Respondent neither admits nor denies the following Findings of Fact and
16 Conclusions of Law, Respondent acknowledges that, should this matter proceed to hearing, the
17 Board could establish by a preponderance of the evidence that Respondent engaged in conduct
18 which, if found to have committed in the future, could be used to order discipline under the
19 Board's statutes or rules. Therefore, Respondent has agreed to enter into this Consent Agreement
20 as an economical and practical means of resolving this case.

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

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

5 4. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

8 6. Respondent understands this Consent Agreement deals with Board case number
9 21-128 involving allegations that Respondent engaged in conduct that would subject Respondent
10 to discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

1 2. Respondent is the holder of license number MT-26073 to practice as a Massage
2 Therapist in the State of Arizona.

3 3. On December 31, 2020, the Board received information from the Maricopa
4 County Sheriff's Department (MCSO) that alleged illegal massage activity was occurring at La
5 Bella Reflexology Spa in Litchfield Park, Arizona. The complaint was the result of an
6 investigation undertaken by MCSO after receiving three complaints between August and
7 December of 2020 regarding unlicensed massage activity and improper sexual conduct with
8 clients. The complaint indicated that an individual was holding themselves out to be a licensed
9 massage therapist.

10 4. The complaint also alleged that during the MCSO raid, which occurred in
11 December of 2020, the Respondent and an individual named Chi Hen-Wei were detained for
12 investigation. Chi Hen-Wei admitted to police that he was working at La Bella Reflexology Spa
13 performing massages without a valid Arizona massage therapy license. MCSO issued citations
14 for the unlicensed activity and notified the Board's investigator of the activity. The investigations
15 are ongoing but the Board was provided with three MCSO report numbers; 20-036394, 20-
16 034428, 20-023212.

17 5. At all times pertinent to the allegations regarding this activity Respondent was the
18 owner of La Bella Reflexology Spa in Litchfield Park, Arizona, and was responsible for hiring
19 staff at that location.

20 6. In response to the complaint the Respondent sent an answer via email on January
21 21, 2021. In his response, the Respondent admitted to hiring massage therapists who were not
22 licensed in Arizona because he was having a hard time finding qualified workers. The answer
23 goes on to further state that the Respondent allowed unlicensed massage therapists to work in his
24 establishment because of the protracted time required to convert out of state licenses. Finally, the
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1 Respondent admits that he has temporarily suspended all employees without Arizona licensure
2 from performing full body massage.

3 7. At its May 25, 2021, Board meeting the Respondent attended and contradicted his
4 above statement as well as those made to police by stating that he hired reflexologists who were
5 not performing full body massages. The Board noted this contradiction and voted to move this
6 matter forward to formal hearing for possible revocation of the Respondent's license to practice
7 massage therapy in the state of Arizona pursuant to its authority under A.R.S. 32 § 4254(G).

8 CONCLUSIONS OF LAW

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

11 2. The Board possesses statutory authority to enter into a consent agreement with a
12 massage therapist to limit or restrict the licensee's practice or to rehabilitate the licensee, protect
13 the public and ensure the licensee's ability to safely engage in the practice of massage therapy.
14 The Board may also require the licensee to successfully complete a Board approved
15 rehabilitative, retraining, continuing education or assessment program. *See* A.R.S. § 32-
16 4254(D).

17 3. The conduct and circumstances described above constitute grounds for discipline
18 pursuant to A.R.S. § 32-4253 (A)(10), which states, "engaging in conduct that could harm the
19 public."

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

23 5. The conduct and circumstances described above constitute grounds for discipline
24 pursuant to A.R.S. § 32-4253(A)(18), which states, "Aiding or abetting a person who is not
25 licensed in this state and who directly or indirectly performs activities requiring a license."
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of the Respondent to request that the Board terminate his probation early shall cause his probation to continue beyond the time referenced above and until such time as Respondent makes a written request and provides the necessary documentation.

4. General Provisions.

a. Respondent shall pay all necessary fees throughout the term of Respondent’s probation and suspension to maintain Respondent’s massage therapy license in active status.

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

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

d. This Order shall terminate 2 years from the effective date of the Order, but only if all terms and conditions have been successfully completed to the satisfaction of the Board, and Respondent requests in writing and is granted release by the Board.

DATED this _____ day of _____, 2021.

ARIZONA STATE BOARD OF MASSAGE
THERAPY

(Seal)

By: _____
Thomas Augheron
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this _ _ day of June_2021, with:

2 Arizona State Board of Massage Therapy
3 1740 West Adams, Suite 3401
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
5 this _ day of June 2021, to:

6 Danny Shan
5110 North Dysart Road, Unit #164
7 Litchfield Park, Arizona 85340
Respondent

8 Seamus Monaghan, AAG
9 2005 North Central Avenue, SGD/LES
Phoenix, Arizona 85004
10 *Attorney for the State*

11 By: _____

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