BEFORE THE ARIZONA BOARD

OF MASSAGE THERAPY EXAMINERS

In the Matter of **JONATHAN TAYLOR, LMT** Holder of License No. MT-19809 As a Massage Therapist In the State of Arizona	Board Case No. 19-110 **CONSENT AGREEMENT**

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.*, Jonathan Taylor ("Respondent"), holder of Massage Therapist License Number MT-19809 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 Respondent 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.

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

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

5. Respondent understands this Consent Agreement deals with Board case number 19-110 involving allegations that Respondent engaged in conduct that would subject Respondent to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

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

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

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

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

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

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

ACCEPTED AND AGREED BY RESPONDENT

Jonathan Taylor

Jonathan Taylor

Dated: 3-27-19

FINDINGS OF FACT

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

2. Respondent is the holder of license number MT-19809 to practice as a Massage Therapist in the State of Arizona.

3. On August 10, 2018, Respondent provided massage therapy services to LG at Massage Envy in Tucson, AZ.

4. During the massage, LG was offended by comments that Respondent had made regarding her appearance and other matters.

6. Respondent did not report his arrest to the Board within ten days.

CONCLUSIONS OF LAW

1. The conduct and circumstances described in the above Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm to the public).

2. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-3208 (requiring health professionals to disclose criminal charges to the Board within ten days).

ORDER

IT IS HEREBY ORDERED that License Number MT-19809 issued to Jonathan Taylor (Respondent) to practice as a massage therapist in the State of Arizona is hereby placed on PROBATION for a period of one (1) year or for so long as he remains under probation in the above referenced criminal matter, whichever is shorter. Respondent's probation is subject to the following terms and conditions:

1. **Continuing Education**: Within four (4) months of the effective date of this Order, Respondent shall complete eight (8) hours of continuing education, which must include courses covering the following subjects: business practices and communication. These continuing education hours shall be in addition to and may not be used to satisfy the hours required for the renewal of Respondent's massage therapist license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of his continuing education courses from Board or its designee (staff). Continuing education that Respondent obtains pursuant to this Order must occur in a live classroom setting.

2. **Compliance with Criminal Probation**: Respondent shall remain compliant with all terms of his criminal probation. Respondent must notify the Board within ten (10) days of any conviction and sentencing related to the case and provide the

Board with all relevant documents describing the terms of his criminal charges. Respondent shall thereafter notify the Board within ten (10) days of any change to the terms of his sentencing or if there he is alleged or judged to have been noncompliant with his criminal sentence for any reason.

3. **Termination of Probation:** Respondent must request that the Board terminate his probation when it has elapsed, whether at the conclusion of one year from the effective date of this Order or because Respondent has completed his criminal probation. If Respondent seeks to end his probation because he has completed his criminal probation, he must provide satisfactory written evidence to the Board that he has completed his probation successfully. Failure of the Respondent to request that the Board terminate his probation or to provide documentation of his compliance with his criminal probation shall cause his probation to continue beyond the time referenced above and until such time as Respondent makes a request or provides the necessary documentation.

4. **General Provisions**:

a. Respondent shall pay all necessary fees and complete all continuing education requirements throughout the term of Respondent's probation to maintain Respondent's massage therapy license in active status.

b. Throughout the term of Respondent's suspension, Respondent shall personally appear before the Board when requested to do so by the Board or its staff.

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

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

e. 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.

DATED this 10th day of April, 2019.

ARIZONA STATE BOARD OF MASSAGE THERAPY

(Seal)

By: Thomas Augherton
Thomas Augherton
Executive Director

Original of the foregoing filed
this 10th day of April, 2019, with:

Arizona Board of Massage Therapy
1740 W. Adams St., 3rd Floor #3401
Phoenix, Arizona 85007

Copy of the foregoing mailed/e-mailed
this 10th day of April, 2019, to:

Jonathan Taylor
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Tucson, Arizona 85745
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Respondent

Copy of the foregoing e-mailed
This 10th day of April, 2019, to:

Michael Raine
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By:

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