

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

3 In the Matter of

4 **ADAM KENYON THOMPSON, LMT**

5 Holder of License No. MT-04643P
6 As a Massage Therapist
7 In the State of Arizona

Board Case No. 19-102

**CONSENT AGREEMENT
(PROBATION)**

8 In the interest of a prompt and judicious settlement of this case, consistent with the
9 public interest, statutory requirements and the responsibilities of the Arizona State Board
10 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Adam Kenyon
11 Thompson ("Respondent"), holder of Massage Therapist License Number MT-04643P in
12 the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
13 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
14 matter.

15 **RECITALS**

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

19 2. Respondent understands that Respondent has a right to a public
20 administrative hearing concerning this matter, at which hearing Respondent could present
21 evidence and cross examine witnesses. By entering into this Consent Agreement,
22 Respondent knowingly and voluntarily relinquishes all right to such an administrative
23 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
24 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.

5 5. Respondent understands this Consent Agreement deals with Board case
6 number 19-102 involving allegations that Respondent engaged in conduct that would
7 subject Respondent to discipline under the Board's statutes and rules. The investigation
8 into these allegations against Respondent shall be concluded upon the Board's adoption
9 of this Consent Agreement.

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

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

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

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

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

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

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

9 **ACCEPTED AND AGREED BY RESPONDENT**

10
11 
12 Adam Kenyon Thompson

Dated: 11/28/2018

13 **FINDINGS OF FACT**

14 1. On February 15, 2018, Respondent was arrested for aggravated DUI in
15 Maricopa County, Arizona.

16 2. On June 22, 2018, Respondent was formally charged with two counts of
17 aggravated DUI for DUI with a BAC over .08 and DUI with a child under age 15, both
18 class six undesignated felonies in Maricopa County Superior Court case no. CR 2018-
19 131042-001.

20 3. On September 20, 2018, Respondent pled guilty to one count of aggravated
21 DUI with a child under age 15.

22 4. On October 9, 2018, Respondent was sentenced to one day in jail and three
23 years of supervised probation beginning October 9, 2018. Under the terms of that
24 probation, Respondent is to abstain from consuming alcohol and is to submit to the
25 court's DUI Program for possible additional treatment and oversight.
26

1 Order. Respondent may pay the civil penalty in installments of at least \$250 each quarter
2 starting from the Effective Date of this Order and concluding within one year from the
3 Effective Date of this Order.

4 2. COMPLIANCE WITH CRIMINAL PROBATION: Respondent shall
5 remain compliant with the terms of his criminal probation in Case No. CR 2018-131042-
6 001. Respondent shall notify the Board if there are any changes to the terms of his
7 criminal probation, including any alleged violations of that probation or the release from
8 any of the terms of his probation, within ten (10) days of the event. If Respondent is
9 released early from his criminal probation, Respondent may petition the Board, in person
10 for early release from the Board's probation. Respondent shall specifically notify the
11 Board if he is alleged to have missed any drug or alcohol screening test required under
12 the terms of his criminal probation, regardless of whether that missed test constitutes or is
13 alleged to be a violation of his criminal probation. If respondent is granted or denied the
14 redesignation of his class six felony conviction to a misdemeanor, he must notify the
15 Board within ten (10) days of such an event.

16 3. APPEARANCE BEFORE THE BOARD: After one (1) year of
17 Respondent's probation, he must appear before the Board to provide it with an update
18 regarding his criminal probation. Respondent must appear in person at the Board's first
19 regularly scheduled meeting that occurs after one (1) year from the Effective Date of this
20 Order. If Respondent is unable to attend that meeting, he may elect to appear at the
21 Board's regularly scheduled meeting that immediately precedes or follows the meeting
22 that he cannot attend, provided that he gives at least ten (10) days notice of his election to
23 Board staff. If Respondent appears at a meeting other than the first regularly scheduled
24 meeting following one year after the Effective Date of this Order without having
25
26

1 provided adequate notice to Board staff, he will not have satisfied his obligations under
2 this paragraph.

3 4. TERMINATION OF PROBATION: Respondent must appear before the
4 Board following his probation to request release from probation. Failure to appear before
5 the Board to petition for release from probation shall cause Respondent's probation to
6 continue beyond one year and is a violation of this Order.

7 5. GENERAL PROVISIONS:

8 a. Respondent shall pay all necessary fees and complete all continuing
9 education requirements throughout the term of his probation to maintain his massage
10 therapy license. Throughout the term of Respondent's probation, Respondent shall
11 personally appear before the Board when requested to do so by the Board or its staff.

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

14 c. Respondent shall pay all costs associated with complying with this Order.

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

20
21 DATED this 26th day of November, 2018.

22 ARIZONA STATE BOARD OF MASSAGE
23 THERAPY

(Seal)

24
25 By: 

RYAN EDMONSON
Executive Director

1 ORIGINAL OF THE FORGOING FILED
2 this 28th day of November, 2018, with:

3 Arizona Board of Massage Therapy
4 1740 W. Adams St., 3rd Floor
5 Phoenix, Arizona 85004

6 COPY OF THE FOREGOING MAILED
7 REGULAR FIRST-CLASS MAIL
8 this 28th day of November, 2018, to:

9 Adam Kenyon Thompson
10 10001 N. 28th Place
11 Phoenix, Arizona 85028
12 wellnessbyadam@gmail.com

13 Respondent

14 By 