

## INVESTIGATIVE REPORT

<b>NAME:</b> Josephine Euphemia Thomason	<b>MESSAGE LICENSE NUMBER:</b> MT-08909
<b>ADDRESS:</b> 1835 N. Santa Rita Ave. Tucson, Arizona 85719	<b>DOB:</b> 1972
<b>INITIAL DATE OF LICENSING:</b> 1/19/2007	<b>EXPIRES:</b> 01/23/2017
<b>CASE NO:</b> 17-113	<b>RECEIVED:</b> 1/9/2017
<b>LICENSED OTHER STATES:</b> No	<b>INVESTIGATOR:</b> Andrew White/Kathleen Phillips
<b>PROGRAM:</b> Providence Institute Tucson, Arizona 85716	<b>GRADUATION DATE:</b> 2006
<b><u>EMPLOYMENT AT TIME OF INCIDENT:</u></b> The Harmony Hut 2467 Treat Tucson, Arizona 85719	<b><u>DATES:</u></b> 2006 to Present
<b><u>PREVIOUS EMPLOYMENT:</u></b> Massage Therapy Student	<b><u>DATES:</u></b> 2006

### I. COMPLAINT SUMMARY

On December 15, 2016, the Arizona Board of Massage Therapy received an initial **on-line application** from Ms. Josephine Thomason. On December 23, 2016, the Massage Therapy Board requested additional paperwork, fingerprint cards, etc. from Ms. Thomason to complete her on-line application. On January 9, 2017, the Massage Therapy Board received an email from Ms. Thomason. The email stated that instead of filing a renewal application for renewal of her license, she went on the Board's website and filed an initial on-line application to renew her license. In order to do so, she had to change her social security number, which she did. She also stated she wanted a refund. Ms. Thomason violated Federal and local laws (**18 U.S.C. 1028 and 1029**)-**fraudulent use of Social Security Number**

### II. COMPLAINT RECEIVED FROM: Arizona Massage Board

### III. PRIOR COMPLAINT HISTORY / ACTION: None with the Arizona State Board of Massage Therapy

**IV. CURRENT COMPLAINT / INVESTIGATION:**

**A. COMPLAINANT INTERVIEW:**

On January 9, 2017, Ms. Thomason emailed the Massage Board, stating she used the wrong form and that she knew it was wrong.

**B. OTHER WITNESSES INTERVIEWED:**

On January 9, 2017, Massage Board Administration Clerk Ms. DeAnna Velasquez, made Investigator White aware of the problem.

**C. DOCUMENT REVIEW:**

1. Complaint
2. Notice of Memorandum
3. Notice of Application Review to Ms. Thomason
4. Tucson Police Report # 170198527
5. Email from Thomason, Federal Case Law, Arizona State Statutes
6. Application and Renewals

**V. RESPONDENT/LICENSEE INFORMATION:**

**A. WORK HISTORY:**

Since becoming licensed in 2006 he has listed his employment in Tucson Arizona.

**B. CONSULTATION/EVALUATIONS;**

None by the Arizona State Board of Massage Therapy

**C. RESPONDENT STATEMENTS:**

NONE RECEIVED AS OF 1/9/2017

**VI. OTHER INFORMATION:**

None

**BOARD OPTIONS FOR CONSIDERATION:**

**A.R.S. § 32-4253. Disciplinary action; grounds; definitions**

**A. The following are grounds for disciplinary action:**

**1. Failing to meet or maintain the requirements for an original license under section 32-4222, subsection A.**

**2. Using fraud, deceit or misrepresentation in obtaining or attempting to obtain a license or the renewal or reinstatement of a license.**

**16. Failing to adhere to the recognized standards and ethics of the massage therapy profession.**

**Please review A.R.S. § 32-4254 for Other Actions that may be taken by then Board in addition to the following.**



## OFFICE OF THE ATTORNEY GENERAL MEMORANDUM

TO: Michael Raine; Elizabeth Campbell  
FROM: John Tellier, Section Chief  
DATE: March 14, 2017  
RE: Screen for Thomason, Josephine/P17-1068  
IA-Thomason, Josephine/IA-P17-1069

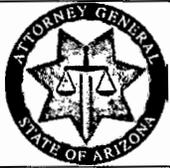
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The purpose of this screening memorandum is to impose a level of separation between attorneys and non-attorney staff working in different capacities in the same adversarial proceeding. Screening is intended to (1) eliminate any question of compliance with the Rules of Professional Conduct; (2) contribute to ensuring the public that office responsibilities are being conducted in a fair and equitable manner; and (3) avoid impermissible ex parte communications.

Michael Raine is assigned to advise Arizona State Board of Massage Therapy regarding its function as presiding and/or reviewing officer in adjudicative proceedings in the above-captioned matter. Elizabeth Campbell is assigned as the advocate in such matter. Pursuant to AGO Screening Protocols, you are each to be screened from each other's activities and functions.

This memorandum is being provided to you as the person(s) who have or potentially will have information concerning Thomason, Josephine/P17-1068 or IA-Thomason, Josephine/IA-P17-1069 respectively. Each of you should:

- Maintain separate files and keep them physically separated so that neither of you might inadvertently have access to the other's files.
- Refrain from conveying information, discussion, or decisions regarding Thomason, Josephine/P17-1068 or IA-Thomason, Josephine/IA-P17-1069 with one another. This shall include all respective related attorneys and staff members, where applicable.
- Prominently mark all electronic and hard copy files maintained in and related to IA-Thomason, Josephine/IA-P17-1069 or related matters to denote that the file shall be screened from Elizabeth Campbell. Conversely, prominently mark all electronic and hard copy files maintained in and related to Thomason, Josephine/P17-1068 or related matters to denote the file shall be screen from Michael Raine. In the event that any person screened from this matter inadvertently accesses computer records pertaining



## OFFICE OF THE ATTORNEY GENERAL MEMORANDUM

to the matter, that person must immediately close out of the computer record and notify their supervisor.

- Provide all staff persons working with the above listed persons with a copy of this memorandum and instruct them that they are not to communicate in any manner with each other in regards to their respective Legal Files.
- Advise the agency decision maker(s) to refrain from ex parte communication with Michael Raine on Thomason, Josephine/P17-1068
- Advise the agency decision maker(s) to refrain from ex parte communication with Elizabeth Campbell on IA-Thomason, Josephine/IA-P17-1069 and seek legal advice from Michael Raine.

If any person, other than the recipients of this memorandum listed above receives responsibilities in the future with regard to the Thomason, Josephine/P17-1068 or IA-Thomason, Josephine/IA-P17-1069, the supervisor or person with primary responsibility for this matter shall provide that person with a copy of this memorandum, and document in writing that the memorandum was provided. This includes any and all staff who work on the matter(s).

Cc: Jami White  
Kathleen Phillips



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
LICENSING ENFORCEMENT SECTION

ELIZABETH CAMPBELL  
ASSISTANT ATTORNEY GENERAL

March 14, 2017

**VIA ELECTRONIC MAIL**

Kathleen.Phillips@massageboard.az.gov

Kathleen Phillips  
Arizona State Board of Massage Therapy  
1400 W. Washington Street, Suite 300  
Phoenix, Arizona 85007

Re: Attorney Advisor for IA-Thomason Josephine

Dear Kathleen Phillips,

As you are aware, the Board referred the above referenced matter to formal hearing. The purpose of this letter is to inform you that Michael Raine has been assigned to advise the Board on all substantive and procedural issues related to this matter. As the prosecuting attorney, I am prohibited from providing the Board with such services and from engaging in any *ex parte* communications with the Board. These prohibitions are in accordance with the Arizona Rules of Professional Conduct and serve to avoid any conflicts of interest. If you have any questions regarding the proceeding, please contact Michael Raine at 602-364-0646, Michael.Raine@azag.gov. Finally, please ensure that Michael Raine receives the same materials that are provided to the Board members.

Thank you for understanding our ethical obligations in this matter and respecting the screening we have put in place to ensure no conflict of interests arise with respect to this office's representation.

Very truly yours,

/s/ Elizabeth Campbell  
Assistant Attorney General

Attachment: Screening Memorandum

cc: Michael Raine  
Jami White  
John Tellier

**BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY**

In the Matter of:	)	<b>Case No. 17-113</b>
<b>JOSEPHINE THOMASON, LMT</b>	)	
	)	<b>NON-DISCIPLINARY ORDER FOR</b>
	)	<b>CONTINUING EDUCATION</b>
License No. <b>MT-008909</b>	)	
As a Massage Therapist	)	
In the State of Arizona	)	

At its public meeting on February 27, 2017, the Arizona Board of Massage Therapy (Board) considered case number 17-113. Based upon its concerns about Josephine Thomason's (Respondent) use of an incorrect social security number when renewing her license, the Board voted to require Respondent to obtain a minimum of twelve (12) classroom hours of non-disciplinary continuing education.

**ORDER**

IT IS HEREBY ORDERED that no later than 6 months from the date of this order, Respondent shall complete a minimum of twelve (12) classroom hours of Board staff pre-approved continuing education in ethics and business practices. These continuing education hours are in addition to the hours required for the annual renewal of her massage therapy license. Respondent's failure to complete the continuing education will subject her to future disciplinary action by the Board. (A.R.S. § 32-4253 (A)(23)).

**NOTICE**

Respondent is hereby notified of the right to petition for review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.A.C. R4-15-401(A). The petition must set forth specific and legally sufficient reasons for granting review. A.A.C. § R4-15-401(C). Service of this order is effective five (5) days after mailing. If a petition for review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a petition for review is required for review is required to preserve any rights of appeal to the Superior Court.

Dated and signed this first day of March, 2017.

ARIZONA BOARD OF MASSAGE THERAPY

By:   
Kathleen Phillips  
Executive Director

ORIGINAL OF THE FOREGOING FILED

this 1<sup>st</sup> day of March, 2017 with the:  
Arizona State Board of Massage Therapy  
1400 West Washington, Suite 300  
Phoenix, AZ 85007

EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED & REGULAR FIRST-CLASS MAIL

this 1<sup>st</sup> day of March, 2017, to:

Josephine Thomason  
Address of Record

COPY OF THE FOREGOING MAILED

this 1<sup>st</sup> day of March, 2017, to:

Elizabeth Campbell  
Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the State

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