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3 **BEFORE THE ARIZONA STATE BOARD OF**
4 **MASSAGE THERAPY**

5 In the Matter of:

6 **LESLIE EDWARD TOLTON**
7 Holder of License No. MT-16325

BOARD CASE NOS. 18-112
18-123

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

DECISION AND ORDER

10 **RESPONDENT**

11
12 **INTRODUCTION**

13 On April 30, 2018, the Arizona State Board of Massage Therapy ("Board") held an
14 administrative hearing in the above referenced matters. Leslie Edward Tolton ("Respondent")
15 appeared in person and represented himself. Assistant Attorney General Michael Raine
16 represented the State. Assistant Attorney General, Marc H. Harris, of the Licensing and
17 Enforcement Section of the Attorney General's Office, appeared in person to provide
18 independent legal advice to the Board. The Board, after considering all of the evidence and
19 arguments presented by the parties, issued the following Findings of Fact, Conclusions of Law
20 and Order ("Decision and Order"):

21
22 **FINDINGS OF FACT**

23 **Case 18-112**

- 24 1. On October 13, 2017, client JE received massage therapy services from
25 Respondent at AFC Physical Medicine in San Tan Valley, Arizona.
26 2. JE sought massage therapy services to address lower back pain.
3. Respondent massaged JE's breasts without her prior, written consent and against
her wishes.

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3 4. Respondent also massaged on or near JE's anus, which she did not request or
4 expect, making her uncomfortable.

5 **Case 18-123**

6 5. On December 22, 2017, client MO received massage therapy services from
7 Respondent at AFC Physical Medicine in San Tan Valley, Arizona.

8 6. MO sought massage therapy services to address back and shoulder pain.

9 7. Respondent massaged MO's breasts without her prior written consent and against
10 her wishes.

11 8. Respondent told MO that she was "beautiful" and that he would "really like to
12 kiss you right now."

13 9. Respondent also engaged in conduct, such as continuously positioning MO and
14 himself so that MO's hands touched his clothed groin area while he massaged her, placing his
15 face so close to MO that she felt his breath on her face, and breathing heavily that made MO
16 perceive that Respondent was attempting to commence sexual activity.
17

18 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described above constitute grounds for discipline
22 pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter
23 or any board rule).

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

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3 4. The conduct and circumstances described above constitute grounds for discipline
4 pursuant to A.R.S. § 32-4253(A)(13) (practicing or offering to practice beyond the scope of the
5 practice of massage therapy).

6 5. The conduct and circumstances described above constitute grounds for discipline
7 pursuant to A.R.S. § 32-4253(A)(15) (engaging in any sexual activity with a client, as that term
8 is defined in A.R.S. § 32-4253(B)(2)(a) (sexual conduct) and (c) (making sexual advance or
9 engaging in physical contact of a sexual nature), and (e) (massaging a client's breasts without
10 written consent).

11 6. The conduct and circumstances described above constitute grounds for discipline
12 pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized standards and ethics of
13 the massage therapy profession).
14

15 ORDER

16 Based upon the above Findings of Fact and Conclusions of Law, the Board hereby enters
17 its order **REVOKING** Respondent's massage therapy license no. MT-16325. The effective date
18 of this Decision and Order is the date that it is signed by the Board's Executive Director.

19 NOTICE OF APPEAL RIGHTS

20 Respondent is hereby notified that he has the right to request a rehearing or review by
21 filing a petition with the Board's Executive Director within thirty (30) days after service of this
22 Decision and Order. Service of this Decision and Order is effective on the date of personal
23 delivery or five days after the date of mailing. A.R.S. § 41-1092.09. The motion must set forth
24 legally sufficient reasons for granting a rehearing. A.A.C. R4-15-401(C). If a motion for
25 rehearing or review is not filed, the Board's Decision and Order becomes effective thirty (35)
26 days after it is mailed to the Respondent. Respondent is further notified that the filing of a
motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

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3 DATED this 3rd day of May, 2018

4 ARIZONA STATE BOARD OF MASSAGE THERAPY

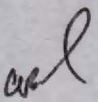
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6 By: 

7 Ryan P. Edmonson, Executive Director

8 Original Decision and Order
9 filed this 3rd day of May, 2018 with the:

10 Arizona State Board of Massage Therapy
11 1740 West Adams Street, Suite 3401
12 Phoenix, Arizona 85007

13 Copy of the foregoing sent via
14 Regular and Electronic mail
15 this 3rd day of May, 2018 to:

16 Leslie Edward Tolton
17 529 South 97th Place
18 Mesa, Arizona 85208 
19 fishbynature319@gmail.com

20 Copy of the foregoing sent via
21 Electronic mail
22 this 3rd day of May, 2018 to:

23 Michael Raine, Assistant Attorney General
24 Office of Arizona Attorney General – SGD/LES
25 2005 North Central Avenue
26 Phoenix, Arizona 85067
michael.raine@azag.gov
Attorney for the State

Marc H. Harris
Licensing & Enforcement Section
Office of the Attorney General - SGD/LES
2005 North Central Avenue
Phoenix, Arizona 85067
marc.harris@azag.gov
Independent Attorney Advisor

BY: 

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