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**BEFORE THE ARIZONA BOARD OF
MASSAGE THERAPY**

In the Matter of:

Richard Torres, LMT

Ricardo

Holder of License No. MT-07988

Case No. 14-103

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

On March 24, 2014, the Arizona Board of Massage Therapy (the "Board") considered the State's Motion to Deem Allegations admitted. Elizabeth Campbell, Assistant Attorney General, appeared on behalf of the State. Neither Respondent nor an attorney for Respondent was present. Christopher Munns of the Solicitor General's Office was available to provide independent legal advice to the Board.

After reviewing the record and hearing from the parties, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-4254(H) and the Complaint and Notice of Hearing filed in this matter, the Board issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 24, 2013, female massage therapy client JD received a massage from Respondent.
2. During the massage, Respondent touched JD's genitals and offered to perform oral sex on JD.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. 32-4201 *et seq.*
2. The Board may discipline a massage therapist who engaged in sexual conduct with a client. A.R.S. § 32-4253(A)(15).

1 3. The conduct and circumstances described above with regard to JD constitute sexual
2 activity in violation of A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means sexual conduct).
3 "Sexual conduct" means any direct or indirect touching, fondling, or manipulating of any part of
4 the genitals or anus by any part of the body or by any object or causing a person to engage in that
5 conduct. A.R.S. § 32-4253(B)(3).
6

7 4. The conduct and circumstances described above with regard to JD constitute sexual
8 activity in violation of A.R.S. § 32-4253(B)(2)(b) ("Sexual activity" means offering to engage in
9 sexual conduct).
10

11 5. The conduct and circumstances described above with regard to JD constitute sexual
12 activity in violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means making sexual
13 advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a
14 sexual nature with a client).

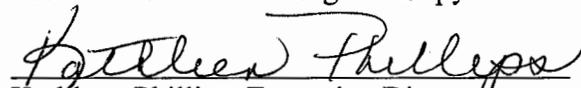
15 **IT IS HEREBY ORDERED** that Respondent's license number ⁰⁷⁹⁸⁸ MT-15941 is **Revoked**.

16 **NOTICE**

17 Any aggrieved party may appeal this decision by filing a written request for Rehearing or
18 Review with the Board within thirty (30) days of service of this Decision. Service of this
19 Decision is effective on personal delivery or **five** days after the date of mailing. A motion for
20 Rehearing or Review shall conform to the requirements set forth in the Board's rules at A.A.C.
21 R4-15-401 and shall be served on the opposing party. The filing of a Motion for Rehearing or
22 Review is required in order to exhaust a party's administrative remedies. The failure to file a
23 Motion for Rehearing or Review will preclude a party from seeking judicial review of this
24 Decision.
25

Dated this 26th day of March, 2014.

Arizona Board of Massage Therapy


Kathleen Phillips, Executive Director

1 ORIGINAL of the foregoing filed this
2 26 day of March, 2014, with:

3 Arizona Board of Massage Therapy
4 1400 W Washington St, Suite 300
5 Phoenix, AZ 85007

6 COPY of the foregoing sent certified and first class mail
7 this 26 day of March, 2014, to:

8 Richardo Torres
9 Address of Record
10 Respondent/Licensee

11 COPY of the foregoing mailed/delivered this
12 26 day of March, 2014, to:

13 Elizabeth Campbell
14 Assistant Attorney General
15 1275 W. Washington, CIV/LES
16 Phoenix, AZ 85007

17 Christopher Munns
18 Assistant Attorney General
19 Solicitor General's Office
20 1275 W. Washington
21 Phoenix, AZ 85007

22 By K. Rich

23
24
25