

1
2
3
4
5
6
7
8

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

In the Matter of

DUSTI VAN TILBORG, LMT

Holder of License No. MT-02712
As a Massage Therapist
In the State of Arizona

Board Case No. 19-135

**CONSENT AGREEMENT
(Probation)**

9
10
11
12
13
14

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.*, Dusti VanTilborg ("Respondent"), holder of Massage Therapist License Number MT-02712 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.

15

RECITALS

16
17
18

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.

19
20
21
22
23
24

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.

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 19-135 involving allegations that Respondent engaged in conduct that could
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.

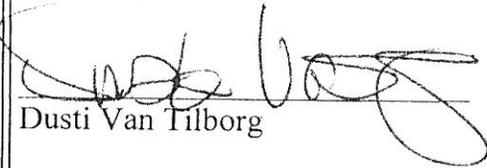
26

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.

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

8
9 ACCEPTED AND AGREED BY RESPONDENT

10
11 
12 Dusti Van Tilborg

Dated: 3/8/19

13 **FINDINGS OF FACT**

14 1. On September 28, 2017, Respondent provided massage therapy services to
15 client JM at her studio in Maricopa County, Arizona.

16 2. Following the massage, Respondent and JM engaged in consensual sexual
17 activity and sexual conduct, as those terms are defined in A.R.S. § 32-4253(B)(2) and (3),
18 with JM.

19 **CONCLUSIONS OF LAW**

20 1. The conduct described in the above Findings of Fact constitutes grounds for
21 discipline under A.R.S. § 32-4253(A)(6) (violating a Board rule), as it relates to A.A.C.
22 R4-15-103(1)(h) (“Refrain from engaging in sexual activity with the client even if the
23 client attempts to sexualize the relationship.”)

1 d. If Respondent violates this Order in any way or fails to fulfill the
2 requirements of this Order, the Board, after giving the Respondent notice and the
3 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
4 Respondent's license. The issue at such a hearing will be limited solely to whether this
5 Order has been violated.
6

7 DATED this 13th day of March, 2019.

8 ARIZONA STATE BOARD OF MASSAGE
9 THERAPY

(Seal)

10 By: 
11

THOMAS AUGHERTON
Executive Director

12
13 ORIGINAL OF THE FORGOING FILED
14 this 13th day of March, 2019, with:

15 Arizona Board of Massage Therapy
16 1740 W. Adams St., Suite 3401
Phoenix, Arizona 85007

17 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
18 this 13th day of March, 2019, to:

19 Dusti VanTilborg
6207 N Cattle Track Rd. Ste # 4
20 Scottsdale, Arizona 85250
biglovewisdom@gmail.com
21 Respondent

22 Milligan Lawless, P.C.
Bryan Bailey
23 5050 N. 40th St. Suite 200
Phoenix, AZ 85018
24 *Attorney for Respondent*

25 By: 
26