

1 MARK BRNOVICH
Attorney General
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
6 Tel: (602) 542-7681
Fax: (602) 364-3202

7 Attorneys for the Arizona Board of Massage Therapy

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

9
10 In the Matter of

11 **STACY VANORSKI,**
12 Holder of License No. MT-03951PP
As a Massage Therapist
13 In the State of Arizona

Board Case No. 14-109

**CONSENT AGREEMENT FOR
SURRENDER**

14

15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona Board of
17 Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Stacy Vanorski
18 ("Respondent"), holder of Massage Therapist License Number MT-03951PP in the State
19 of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
21 matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning this matter at which hearing she could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against her.

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 14-109 involving allegations of unprofessional conduct against Respondent. The
13 investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

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

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

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the

26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

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

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

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

21
22
23
24
25
26

ACCEPTED AND AGREED BY RESPONDENT

Stacy Vanorski
Stacy Vanorski

Dated: 7/19/15

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for licensing and regulating
3 massage therapists in the State of Arizona.

4 2. On September 20, 2014, in Scottsdale City Court, Respondent was
5 convicted of the following misdemeanor offenses: (1) administering massage to a client
6 whose genitals were not covered by an opaque material in violation of Scottsdale City
7 Code § 16-221(d)(1); (2) administering massage and touching the client's genitals in
8 violation of Scottsdale City Code § 16-221(d)(3); (3) acting in a manner or under
9 circumstances intended to arouse, appeal to or gratify sexual desires in violation of
10 Scottsdale City Code § 16-221(e)(1); prostitution in violation of A.R.S. § 13-3214(A).
11

12 3. On June 5, 2015, the Maricopa County Superior Court affirmed
13 Respondent's convictions in Scottsdale City Court.
14

15 4. The convictions described above are grounds for discipline under A.R.S. §
16 32-4253(A)(4) (Being convicted of a felony or other offense involving moral turpitude or
17 conviction for prostitution, solicitation or another similar offense. A conviction by a
18 court of competent jurisdiction is conclusive evidence of the commission of the crime).
19

20 **CONCLUSIONS OF LAW**

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

23 2. The Board possesses statutory authority to enter into a consent agreement
24 with a massage therapist and accept the surrender of an active license from a massage
25
26

1 therapist who admits to having committed an act which would subject her to discipline
2 under the Board's statutes or rules. A.R.S. § 32-4254(O)(2).

3 **ORDER**

4 IT IS HEREBY ORDERED THAT License Number MT-03951PP issued to Stacy
5 Vanorski to practice as a massage therapist in the State of Arizona is hereby surrendered.

6 DATED and effective this 20th day of July, 2015.
7

8 ARIZONA BOARD OF MASSAGE THERAPY

9 SEAL

10 Kathleen J Phillips
11 Kathleen Phillips
12 Executive Director
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 ORIGINAL OF THE FORGOING FILED
this 20th day of July, 2015, with:

2
3 Arizona Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED
5 BY CERTIFIED MAIL
this 20 day of July, 2015, to:

6 Stacy Vanorski
7 Address of Record
8 Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 20th day of July, 2015, to:

10 Candy Marrufo, Esq.
11 MAYES TELLES PLLC
3770 North 7th Street, Suite 100
12 Phoenix, Arizona 85014
Attorney for Respondent

13 Elizabeth A. Campbell
14 Assistant Attorney General
1275 W. Washington Street, CIV/LES
15 Phoenix, Arizona 85007
Attorney for the Board

16 
17 _____

18
19
20
21
22
23
24
25
26