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

In the Matter of

Board Case Nos.

**UBAIDULLAH WALI, LMT**

**21-117**

Holder of License No. MT-24909  
As a Massage Therapist  
In the State of Arizona

**CONSENT AGREEMENT FOR  
SURRENDER OF MASSAGE  
THERAPY LICENSE**

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.*, Ubaidullah Wali (Respondent), holder of Massage Therapist License Number MT-24909 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order for Voluntary Surrender of licensure (Consent Agreement) as a final disposition of this matter.

**RECITALS**

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.

2. Respondent understands that he 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           8.     Respondent acknowledges and agrees that, upon signing this Consent  
2 Agreement and returning this document to the Board's Executive Director, Respondent  
3 may not revoke Respondent's acceptance of the Consent Agreement or make any  
4 modifications to the document regardless of whether the Consent Agreement has been  
5 signed by the Executive Director. Any modification to this original document is  
6 ineffective and void unless mutually agreed by the parties in writing.


7           9.     This Consent Agreement is effective only when signed by the Executive  
8 Director on behalf of the Board.

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

12          11.    Respondent understands that this Consent Agreement constitutes  
13 disciplinary action and is a public record that may be publicly disseminated as a formal  
14 action of the Board and may be reported as required by law to the National Practitioner  
15 Data Bank or other such databases.

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

18  
19 ACCEPTED AND AGREED BY RESPONDENT

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21 

22 UBAIDULLAH WALI

Dated: 4-8-21

## FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of Massage Therapy in the State of Arizona.

2. Respondent is the holder of license number MT-24909 to practice as a Massage Therapist in the State of Arizona.

3. On September 29, 2020, the Board received a complaint from AL. The complaint alleged that the Respondent committed several violations towards AL while she was receiving massage therapy services from the Respondent at Massage Green Spa in Glendale, on September 28, 2020 at approximately 7 p.m.

4. The complaint specifically alleged that after first part of the massage went over with no issues, AL rolled over on her back so that she was face up. The Respondent indicated that he wanted to work on AL's legs, however he draped her extremely high on her hips above her ASIS, potentially exposing her underwear to the Respondent. After working AL's legs, the Respondent began to massage AL's inner thigh working through her groin and all the way up to her pelvis where she could feel his hand not only resting next to her vagina, but could also feel him grazing her outer labia and pubic hair. During this time AL also felt the Respondents finger or thumb very close to her anus.

5. AL further alleged that while lying there frozen she felt the Respondent slide his hand under her underwear and run it across her pubic bone while touching her pubic hair. This conduct caused AL's underwear to be pulled to the side exposing her vagina. During this time the Respondent continually asked AL if she would like him to go deeper, and felt that there was excitement and shakiness in his voice.

6. AL stated that after a period of time feeling frozen, which she could not remember how long, she asked the Respondent twice to stop massaging her pubic and vaginal area as he was hurting her. Respondent asked twice because the first request was

1 ignored by the Respondent. Shortly thereafter, AL realized she had been laying on the  
2 table for quite some time and asked Respondent if they had gone over the session. He  
3 indicated yes, but only by twenty minutes or so. AL ended the session at that point.

4 7. Within hours of the alleged conduct, AL reported the incident to  
5 Respondent's employer, the Glendale Police Department, and the Arizona Board of  
6 Massage Therapy. AL's story has been consistent throughout this process.

7 8. The Respondent has indicated he would not participate or be interviewed  
8 by the police in this matter and did not timely renew his license to practice on December  
9 31, 2020.

10 9. At its March 29, 2021, meeting the Board voted to offer Respondent this  
11 Consent Agreement for Voluntary Surrender of his license.

#### 12 CONCLUSIONS OF LAW

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

15 2. The Board possesses statutory authority to enter into a consent agreement  
16 with a massage therapist and accept the surrender of an active license from a massage  
17 therapist who admits to having committed an act, which would subject the licensee to  
18 discipline under the Board's statutes or rules. *See* A.R.S. § 32-4254(O)(2).

19 3. The conduct and circumstances described above constitute grounds for  
20 discipline pursuant to A.R.S. § 32-4253(A)(8), which states, "committing an act of  
21 malpractice, gross negligence or incompetency."

22 4. The conduct and circumstances described above constitute grounds for  
23 discipline pursuant to A.R.S. § 32-4253 (A)(10), which states, "engaging in conduct that  
24 could harm the public."

1           5.     The conduct and circumstances described above constitute grounds for  
2 discipline pursuant to A.R.S. § 32-4253(A)(14), which states, “Engaging in the  
3 performance of substandard care by a massage therapist due to a deliberate or negligent  
4 act or failure to act, regardless of whether actual injury to the person cared for is  
5 established.”

6           6.     The conduct and circumstances described above constitute grounds for  
7 discipline pursuant to A.R.S. § 32-4253(A)(16), which states, “failing to adhere to the  
8 recognized standards and ethics of the massage therapy profession” as it relates to A.R.S.  
9 § 32-4253(B)(3), which defines “sexual conduct” as [“means any direct or indirect  
10 touching, fondling or manipulating of any part of the genitals or anus by any part of the  
11 body or by any object or causing a person to engage in that conduct.”].

12           7.     The conduct and circumstances described above constitute grounds for  
13 discipline pursuant to A.R.S. § 32-4253(A)(23), which states, “violating Board statutes,  
14 rules, or orders” as it relates to A.R.S § 32-4253(B)(2)(d), which defines “sexual activity”  
15 as [“Intentionally viewing a completely or partially disrobed massage therapy client in  
16 the course of treatment if the viewing is not related to treatment under current practice  
17 standards and is intended to appeal to the prurient interest of the massage therapy client  
18 or the massage therapist.”].

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**ORDER**

**IT IS HEREBY ORDERED** that License Number MT-24909 issued to  
UBAIDULLAH WALI to practice as a massage therapist in the State of Arizona is  
hereby SURRENDERED.

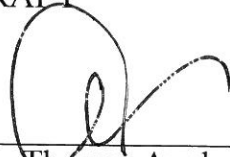
DATED this 13th day of April, 2021.

(Seal)

ARIZONA STATE BOARD OF MASSAGE  
THERAPY



By: \_\_\_\_\_



Thomas Augherton  
Executive Director

ORIGINAL OF THE FORGOING FILED  
This 13th day of April\_2021, with:

Arizona State Board of Massage Therapy  
1740 West Adams, Suite 3401  
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED  
this 13th day of April\_2021, to:

Ubaidullah Wali  
8123 W Shangri La Road  
Peoria, Arizona 85345  
Ubawali23@gmail.com  
Respondent

Seamus Monaghan, AAG  
2005 North Central Avenue, SGD/LES  
Phoenix, Arizona 85004  
Attorney for the Board

By:   
#9401974