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

10 In the Matter of

11 **AMBER WARD, LMT,**

12 Holder of License No. MT-11935
As a Massage Therapist
13 In the State of Arizona

Board Case No. 15-123

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

14
15 Pursuant to Notice of Hearing Number 15-123, this matter came before the Arizona Board of
Massage Therapy (Board) on November 16, 2015.

16 Victoria Bowman, Chair, presided at the meeting with Board members Dennis Beye, John Ortega,
17 Earl Duskey, and Diane Pruetz in attendance.

18 The state was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant
19 Attorney General, Licensing and Enforcement Section. Chris Munns, of the Solicitor General's
20 Section of the Attorney General's Office was present and available to provide independent legal
21 advice to the Board. Amber Ward (Respondent) was not present and was not represented by
22 counsel. The Board, after considering the testimony and evidence presented, hereby issues the
23 following Findings of Fact, Conclusions of Law, and Order.
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FINDINGS OF FACT

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

3 2. The Board may discipline a massage therapist who has engaged in sexual activity
4 with a client. A.R.S. § 32-4253(A)(15)

5 3. From 2013 until approximately October 2014, Respondent engaged in sexual
6 activity with massage therapy client TL.

CONCLUSIONS OF LAW

7 1. The conduct and circumstances described above constitute sexual activity in
8 violation of A.R.S. § 32-4253(B)(2)(a). (“Sexual activity” means sexual conduct) “Sexual
9 conduct” means any direct or indirect touching, fondling, or manipulating of any part of the
10 genitals or anus by any part of the body or by any object or causing a person to engage in that
11 conduct.

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

16 3. The conduct described above constitutes grounds for discipline under A.R.S. §
17 32-4253(A)(16) (Failing to adhere to the recognized standards and ethics of the massage therapy
18 profession). A.R.S. 32-4251(B) further requires that a massage therapist refrain from engaging in
19 sexual activity with the client even if the client attempts to sexualize the relationship. A.A.C. R4-
20 15-103(l)(H).

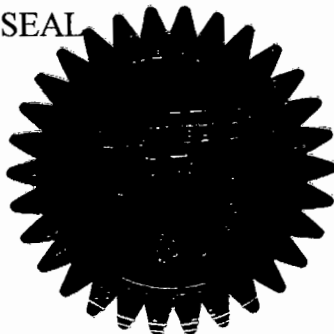
ORDER

21 IT IS HEREBY ORDERED THAT License Number MT-11935 issued to Amber Ward to
22 practice as a massage therapist in the State of Arizona is **REVOKED**.

23 DATED and effective this 19th day of November, 2015.

24 ARIZONA BOARD OF MASSAGE THERAPY

25 SEAL



26 _____
Kathleen Phillips
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this 19th day of November, 2015, with:

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

4 EXECUTED COPY OF THE FOREGOING MAILED
5 BY CERTIFIED MAIL

this 19th day of November, 2015, to:

6 Amber Ward
7 Address of Record
Respondent

8 EXECUTED COPY OF THE FOREGOING MAILED
9 this 19th day of November, 2015, to:

10 Christopher Munns
11 Assistant Attorney
12 12745 W. Washington, CIV/SGO
Phoenix, Arizona 85007
Attorney for the Board

13 Elizabeth A. Campbell
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