**BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY**

| | |
|---|---|
| In the Matter of: | |
| Billy Ernest Weinmann, LMT<br><br>License No. MT-10108<br>As a Massage Therapist<br>In the State of Arizona | **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** |

Pursuant to Notice of Hearing Number 08-113 (Notice) this matter came before the Arizona Board of Massage Therapy (Board) on April 26, 2010.

Dennis Beye, president, presided at the meeting with Board members Susan Pomfret, Jennifer Coomes, John Ortega, and Diane Pruetz in attendance.

The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the Solicitor General's Section of the Attorney General's Office was present and available to provide independent legal advice to the Board. Billy Ernest Weinmann (Respondent) was not present.

The Board, after considering the testimony and evidence presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

## AUTHORITIES AND JURISDICTION

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-10108, which allows him to practice as a massage therapist in the state of Arizona.

3. Under A.R.S. § 32-4201, *et seq.*, the Board possesses jurisdiction over the matter and over Respondent as a licensee of the Board.

## FINDINGS OF FACT

1. On September 11, 2009, Respondent was convicted of abuse of a vulnerable adult, a class 4 felony, in Maricopa County Superior Court case number CR2009-005988.

## CONCLUSIONS OF LAW

1. Under A.R.S. § 32-4253(A)(4), the Board may discipline a massage therapist who has been convicted of a felony.

2. Under A.R.S. § 32-4253(A)(4), the felony conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.

3. Under A.R.S. § 32-4253(A)(4), the felony conviction described above is conclusive evidence of the commission of the crime.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license number MT-10108 is REVOKED.

## RIGHT TO PETITON FOR REHEARING OR REVIEW

Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. § 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-five (35) days from the date of mailing if the Order was served by certified mail. The petition must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C. R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement of the Board's Order. If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the

Board has expressly found good cause to believe that this Order shall be effective immediately upon the issuance and has so stated in this Order.

Dated and signed this 22 day of June, 2010.

ARIZONA BOARD OF MASSAGE THERAPY

By: _____

Craig Runbeck, N.M.D.
Executive Director

ORIGINAL OF THE FOREGOING FILED
this 22 day of June, 2010 with the:

Arizona State Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, AZ 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 22 day of June, 2010, to:

Billy Weinmann
Respondent
7045 N 7th St Apt 270
Phoenix, AZ 85020

COPY OF THE FOREGOING MAILED
this 22 day of June, 2010, to:
Christopher Munns
Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007

Elizabeth Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007

Notifications/Mailings completed by Kathleen Phillips _____