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7
8 **BEFORE THE ARIZONA STATE BOARD OF MASSAGE THERAPY**

9 In the Matter of

10 **PAUL DEAN WEST, LMT,**

11 Holder of License No. MT-10775
As a Massage Therapist
12 In the State of Arizona

Board Case No. ~~18~~¹⁶-130

**CONSENT AGREEMENT
FOR SURRENDER**

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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 State Board
17 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Paul Dean West
18 ("Respondent"), holder of Massage Therapist License Number MT-10775 in the State of
19 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
20 of Law and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

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

25 2. Respondent understands that he has a right to a public administrative
26 hearing concerning this matter, at which hearing he could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

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

9 5. Respondent understands this Consent Agreement deals with Board case
10 number 15-130 involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondent shall be concluded upon the Board's adoption of
13 this Consent Agreement.

14 6. Respondent understands that this Consent Agreement does not constitute
15 any waiver, express or implied, of the Board's statutory authority or jurisdiction
16 regarding any future investigation, action or proceeding.

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

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
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26

1 Executive Director. Any modification to this original document is ineffective and void
2 unless mutually agreed by the parties in writing.

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

6 10. Respondent understands that this Consent Agreement is a public record that
7 may be publicly disseminated as a formal action of the Board and may be reported as
8 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
9 Protection Data Bank.

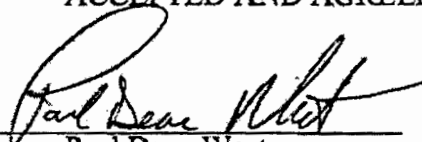
10 11. While Respondent neither admits nor denies the following Findings of Fact
11 and Conclusions of Law, Respondent acknowledges that, should this matter proceed to
12 hearing, the Board would present evidence to support the Findings of Fact ~~and~~ establish
13 by a preponderance of the evidence that Respondent engaged in conduct which would
14 subject him to discipline under the Board's statutes or rules. Therefore, Respondent has
15 agreed to enter into this Consent Agreement as an economical and practical means of
16 resolving this case.

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

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20 ACCEPTED AND AGREED BY RESPONDENT

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22 
23 Paul Dean West

Dated: 6-28-16

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1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of license number MT-10775 to practice as a
5 Massage Therapist in the State of Arizona.

6 3. During a massage in December 2009, Respondent made sexual contact with
7 female massage therapy client AH.

8 4. From approximately 2009 until the spring of 2014, Respondent provided
9 massage therapy services to female massage therapy client TM. During the massages,
10 Respondent made sexual contact with TM.
11

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

19 3. The Board possesses statutory authority to enter into a consent agreement
20 with a massage therapist and accept the surrender of an active license from a massage
21 therapist who admits to having committed an act which would subject him to discipline
22 under the Board’s statutes or rules. A.R.S. § 32-4254(O)(2).
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1 **ORDER**

2 IT IS HEREBY ORDERED THAT License Number MT-10775 issued to Paul
3 Dean West to practice as a massage therapist in the State of Arizona is hereby
4 surrendered.

5 DATED this 27th day of July, 2016.

6 ARIZONA STATE BOARD OF MASSAGE
7 THERAPY

8 (Seal)

9 By: Kathleen Phillips
10 KATHLEEN PHILLIPS
Executive Director

11 ORIGINAL OF THE FOREGOING FILED
12 this 27th day of July, 2016, with:

13 Arizona State Board of Massage Therapy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

14 EXECUTED COPY OF THE FOREGOING MAILED
15 BY CERTIFIED MAIL
16 this 27th day of July, 2016, to:

17 Paul Dean West
Address of Record
Respondent

18 EXECUTED COPY OF THE FOREGOING MAILED
19 this 27th day of July, 2016, to:

20 Clifford Levenson
Attorney at Law
21 5119 N. 19th Ave., Suite K
Phoenix, Arizona 85015

22 Elizabeth A. Campbell
23 Assistant Attorney General
1275 W. Washington Street, SGD/LES
24 Phoenix, Arizona 85007
Attorney for the State

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26 _____