

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

3 In the Matter of

4 **HONG WILLIAMS, LMT,**

5 Holder of License No. MT-19924
6 As a Massage Therapist
7 In the State of Arizona

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

8 Pursuant to Complaint and Notice of Hearing, Case Number 16-122 (Notice) this matter
9 came before the Arizona Board of Massage Therapy (Board) on September 26, 2016.

10 Victoria Bowman, Chairperson, presided at the meeting with Board members Earl
11 Duskey and Diane Pruetz in attendance.

12 The State was represented by the Office of the Attorney General, Elizabeth Campbell,
13 Assistant Attorney General, Licensing and Enforcement Section. Bridget Harrington,
14 Assistant Attorney General, was present and available to provide independent legal
15 advice to the Board. Hong Williams (Respondent) was present and was not represented
16 by an attorney.

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

19 **AUTHORITIES AND JURISDICTION**

20 1. The Board is the duly constituted authority for licensing and regulating the
21 practice of massage therapy in the State of Arizona.

22 2. Respondent holds license number MT-19924 as a massage therapist in the
23 State of Arizona.

24 3. Under A.R.S. §§ 32-4201 through -4259, the Board has jurisdiction over
25 the subject matter and over Respondent as a licensee of the Board.
26

1 **FINDINGS OF FACT**

2 1. On June 24, 2015, while working as a massage therapist at Arizona Seasons
3 Massage in Scottsdale, Arizona, Respondent exposed a male massage therapy client's
4 genitals, agreed to perform a hand job, and touched the male massage therapy client's
5 genitals. The massage therapy client was an undercover Scottsdale Police Officer.

6 **CONCLUSIONS OF LAW**

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

9 2. The conduct described above in the Findings of Fact is grounds for
10 discipline under A.R.S. § 32-4253(A)(15) (Engaging in sexual activity with a client).

11 3. The conduct described above in the Findings of Fact constitutes sexual
12 activity in violation of A.R.S. § 32-4253(B)(2)(a) ("Sexual activity" means sexual
13 conduct). "Sexual conduct" means any direct or indirect touching, fondling or
14 manipulating of any part of the genitals or anus by any part of the body or by any object
15 or causing a person to engage in that conduct). A.R.S. § 32-4253(B)(3).

16 4. The conduct described above in the Findings of Fact constitutes sexual
17 activity in violation of A.R.S. § 32-4253(B)(2)(b) ("Sexual activity" means offering to
18 engage in sexual conduct). "Sexual conduct" means any direct or indirect touching,
19 fondling or manipulating of any part of the genitals or anus by any part of the body or by
20 any object or causing a person to engage in that conduct). A.R.S. § 32-4253(B)(3).

21 5. The conduct described above in the Findings of Fact constitutes sexual
22 activity in violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means making
23 sexual advances, requesting sexual favors or engaging in other verbal conduct or physical
24 contact of a sexual nature with a client).

1 The petition must set forth legally sufficient reasons for granting the rehearing or review
2 pursuant to A.A.C. R4-15-401(C). The timely filing of a motion for rehearing or review
3 shall stay the enforcement of the Board's Order. If a motion for rehearing or review is not
4 filed, the Board's Order becomes effective 35 days after it is mailed, unless pursuant to
5 A.A.C. R4-15-401(F), the Board has expressly found good cause to believe that this
6 Order shall be effective immediately upon the issuance and has so stated in this Order.
7 The failure to file a motion for rehearing or review within 30 days after service of the
8 decision has the effect of prohibiting the parties from seeking judicial review of the
9 Board's decision.

11 Dated and signed this 28th day of September, 2016

13 ARIZONA BOARD OF MASSAGE THERAPY

14 By: Kathleen Phillips
15 KATHLEEN PHILLIPS
Executive Director

16 ORIGINAL OF THE FORGOING FILED
17 this 28th day of Sept, 2016, with:

18 Arizona Board of Massage Therapy
19 1400 West Washington, Suite 300
20 Phoenix, Arizona 85007

21 COPY OF THE FOREGOING MAILED
22 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
23 this 28th day of Sept, 2016, to:

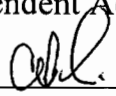
24 Hong Williams
25 Address of Record
26 Respondent/Licensee

27 COPY OF THE FOREGOING MAILED
28 this 28th day of Sept, 2016, to:

29 Elizabeth A. Campbell
30 Assistant Attorney General
31 1275 W. Washington Street, CIV/LES

1 Phoenix, Arizona 85007
Attorney for the State

2
3 Bridget Harrington
Assistant Attorney General
1275 W. Washington Street CIV/LES
4 Phoenix, Arizona 85007
Independent Advisor

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