BEFORE THE ARIZONA STATE BOARD OF

MASSAGE THERAPY EXAMINERS

In the Matter of:)	Case Nos. 22-123	
TIMOTHY WILLIAMS)		
Holder of License No. 15826)	FINDINGS OF FACT,	
)	CONCLUSIONS OF LAW, AN	D
For the Practice of Massage Therapy)	ORDER FOR REVOCATION	
In the State of Arizona)		
)		

The Arizona State Board of Massage Therapy ("Board") held a Formal Administrative Hearing on Monday, January 24, 2022, at 9:00 a.m. in the matter of Timothy Williams, LMT. Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona. Monique Coady, Assistant Attorney General, appeared as independent advice counsel for the Board. The Respondent was present and not represented by counsel. Following the presentation of the State's Motion to Deem and testimony by the Respondent, the Board moved to adopt the States Motion and the following Findings of Fact, Conclusions of Law, and Order for Revocation of licensure.

FINDINGS OF FACT

- 1. The Arizona State Board of Massage Therapy is the duly constituted agency for licensing and regulating of the practice of massage therapy in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to Arizona Revised Statute (A.R.S.) § 32-4201, et seq.
- 2. Respondent is the holder of license number MT-15826, which allows Respondent to practice as a massage therapist in the State of Arizona.
- 3. Respondent has been licensed to practice massage therapy in the State of Arizona since May 31, 2011 and his license was summarily suspended on October 20, 2021.
- 4. On or about August 30, 2021, according to Flagstaff Justice Court records case number J-0301-CF-2021000805, Respondent was charged with 2 counts of sexual assault. Respondent failed to disclose the charges within 10 days as required by statute. Furthermore,

during the course of the investigation it was discovered that Respondent falsified his initial 2011 application for licensure by answering "NO" to the question, "Have you ever been the subject of disciplinary action by a certifying/licensing agency with regard to any professional license or certificate." Based on this information the Board conducted an Investigation.

- 5. During the course of the Board's investigation it found that on May 13, 1994, before the Board of Physical Therapy Examiners in case number No. 94-06 Respondent's physical therapy license was placed on a 1-year probation for engaging in a sexual relationship with a client. This was not reported on Respondent's initial application for massage licensure in 2011 as required by the application and attested to on the statement on the last page of the application.
- 6. The investigation also revealed that on September 09, 2002 before the Board of Physical Therapy Examiners in case number 8186 Respondent voluntarily surrendered his physical therapy license. In the order the Respondent admitted to inviting a PT client back to his home for a "social massage". The Respondent also admitted to requesting the client to get naked touching her genital several times. On June 14, 2002, the Respondent was convicted of sexual abuse, A.R.S. § 13-1404, a felony, in the superior court, Coconino County, Arizona in connection with the matter above.
- 7. On May 20, 2011, Respondent applied for his initial license as a massage therapist. Respondent answered "NO" to the questions on his application regarding past conduct, when in fact Respondent falsified question 19 as he had been charged and convicted of a felony in the superior court, Coconino County, Arizona on June 14, 2002, and question 26, due to the 1994 and 2002 disciplinary actions by the Board of Physical Therapy.
- 8. On or about August 30, 2021, according to Flagstaff Justice Court records case number J-0301-CF-2021000805, Respondent was charged with 2 counts of sexual abuse with a victim under 15 years of age. Respondent stated the charges are incorrect and the Board amended the record to reflect 2 counts of sexual assault. Respondent failed to disclose the charges to the Board within 10 days as required by statute.

- 10. The Board reviewed the preliminary investigative materials at its October 15, 2021, special Board meeting and based on the facts presented, testimony from the complainant and the potential harm to the public health, safety or welfare the Board determined the matter required emergency action and moved to Summarily Suspend Respondent's license pending a formal hearing.
- 11. The Board held a formal hearing for both of the above-mentioned matters on January 24, 2022. Following the formal hearing the Board adopted the state's findings of fact and conclusions of law and ordered the revocation of Respondent's license.

CONCLUSIONS OF LAW

- 1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq*.
- 2. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(1), which states, "Failing to meet or maintain the requirements for an original license under section 32-4222, subsection A."
- 3. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(2), which states, "Using fraud, deceit or misrepresentation in obtaining or attempting to obtain a license or the renewal or reinstatement of a license."
- 4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(6), which states, "Engaging in any act or practice in violation of this chapter or any board rule or aiding, abetting or assisting any other person in the violation of these provisions or rules.."

- 5. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S § 32-4253(A)(7), which states, "Having a license or certificate revoked or suspended or any other disciplinary action taken or an application for licensure or certification refused, revoked or suspended by the proper authorities of another state, territory or country."
- 6. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(15), which states, "Engaging in sexual activity with a client," which is defined in 32-4253(B)(2)(c) as, "Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with a client."
- 7. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-3208(A), which states, "A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed."

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT** License No. 15826 issued to Respondent shall be **REVOKED** on the effective date of this Order.

The effective date of this order is the date which it is signed by the Boards Executive Director on behalf of the Board.

NOTICE

In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you are required to exhaust your administrative remedies by filing a motion for rehearing or review of the Board's decision within thirty five days after these Findings of Fact, Conclusions of Law, and Order are mailed to you at your last known address, or thirty days after they are personally served upon you. Pursuant to A.R.S. § 41 1092.09(B), you are notified that failure to file a

motion for rehearing or review in writing at the Board's office by that date has the effect of prohibiting you from seeking judicial review of the Board's decision. DATED THIS 13 DAY OF APRIL, 2022. ARIZONA STATE BOARD OF MASSAGE THERAPY Am Aughesta Thomas Augherton, Executive Director

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2	Original Findings of Fact, Conclusions
3	Of Law, and Order for Revocation of License to Practice Massage Therapy filed this 13th day of April, 2022 with the:
4	ans 15th day of 11pm, 2022 with the.
5	Arizona Board of Massage Therapy 1740 West Adams Street, Suite 3401 Phoenix, Arizona 85007
6	Flioenix, Arizona 65007
7	Copy of the foregoing sent by Electronic, Certified and Regular mail This 13 th day of April, 2022 to:
8	This 15 day of April, 2022 to:
9	Timothy Williams Address of Record
10	Respondent
11	Copy of the foregoing sent by email This 13 th day of April, 2022 to:
12	Seamus Monaghan, Assistant Attorney General
13	Office of Arizona Attorney General 2005 North Central Avenue, SGD/LES
14	Phoenix, AZ 85004
15	Attorney for the State
16	Monique Coady, Assistant Attorney General Office of Arizona Attorney General
17	2005 North Central Avenue, Phoenix, AZ 85004
18	Independent Attorney Advisor
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20	Doc #10296073
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