

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

3 In the Matter of

4 **HEE YANG, LMT**

5 Holder of License No. MT-17196
6 As a Massage Therapist
7 In the State of Arizona

Board Case Nos.

21-145

**CONSENT AGREEMENT FOR
CIVIL PENALTY AND
CONTINUING EDUCATION**

8 In the interest of a prompt and judicious settlement of this case, consistent with the
9 public interest, statutory requirements and the responsibilities of the Arizona State Board
10 of Massage Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, Hee Yang (Respondent),
11 holder of Massage Therapist License Number MT-17196 in the State of Arizona, and the
12 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
13 (Consent Agreement) as a final disposition of this matter.

14 **RECITALS**

15 1. Respondent has read and understands this Consent Agreement and has had
16 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
17 opportunity to discuss this Consent Agreement with an attorney.

18 3. Respondent understands that she has a right to a public administrative
19 hearing concerning this matter, at which hearing Respondent could present evidence and
20 cross-examine witnesses. By entering into this Consent Agreement, Respondent
21 knowingly and voluntarily relinquishes all right to such an administrative hearing, as well
22 as rights of rehearing, review, reconsideration, appeal, judicial review or any other
23 administrative and/or judicial action, concerning the matters set forth herein.

24 4. Respondent affirmatively agrees that this Consent Agreement shall be
25 irrevocable.
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1 5. Respondent understands that this Consent Agreement or any part of the
2 agreement may be considered in any future disciplinary action by the Board against
3 Respondent.

4 6. Respondent understands this Consent Agreement deals with Board case
5 number 21-145 involving allegations that Respondent engaged in conduct that would
6 subject Respondent to discipline under the Board's statutes and rules. The investigation
7 into these allegations against Respondent shall be concluded upon the Board's adoption
8 of this Consent Agreement.

9 7. Respondent understands that this Consent Agreement does not constitute a
10 dismissal or resolution of any other matters currently pending before the Board, if any,
11 and does not constitute any waiver, express or implied, of the Board's statutory authority
12 or jurisdiction regarding any other pending or future investigation, action or proceeding.

13 8. Notwithstanding any language in this Consent Agreement and Order, this
14 Consent Agreement and Order does not preclude in any way any other State agency or
15 officer or political subdivision of this state from instituting proceedings, investigating
16 claims, or taking legal action as may be appropriate now or in the future relating to this
17 matter or other matters concerning Respondent, including but not limited to, violations of
18 Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to
19 the Board, this Consent Agreement and Order makes no representations, implied or
20 otherwise, about the views or intended actions of any other state agency or officer or
21 political subdivisions of the State relating to this matter or other matters concerning
22 Respondent.

23 9. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, Respondent
25 may not revoke Respondent's acceptance of the Consent Agreement or make any
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1 modifications to the document regardless of whether the Consent Agreement has been
2 signed by the Executive Director. Any modification to this original document is
3 ineffective and void unless mutually agreed by the parties in writing.

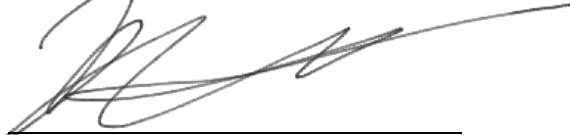
4 10. This Consent Agreement is effective only when signed by the Executive
5 Director on behalf of the Board.

6 11. If a court of competent jurisdiction rules that any part of this Consent
7 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
8 shall remain in full force and effect.

9 12. Respondent understands that this Consent Agreement constitutes
10 disciplinary action and is a public record that may be publicly disseminated as a formal
11 action of the Board and shall be reported as required by law to the National Practitioner
12 Data Bank or other such databases.

13 13. Respondent agrees that the Board will adopt the following Findings of Fact,
14 Conclusions of Law and Order.

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16 ACCEPTED AND AGREED BY RESPONDENT

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18 _____

Dated: 06.14.22

19 Hee Yang

20 **FINDINGS OF FACT**

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

23 2. Respondent is the holder of license number MT-17196 to practice as a
24 Massage Therapist in the State of Arizona.

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1 4. The conduct and circumstances described above constitute grounds for
2 discipline pursuant to A.R.S. § 32-4253(A)(23), which states, “violating Board statutes,
3 rules, or orders.”

4 5. The conduct and circumstances described above constitute grounds for
5 discipline pursuant to A.R.S. § 32-3208(A), which states, “a health professional who has
6 been charged with a misdemeanor involving conduct that may affect patient safety or a
7 felony after receiving or renewing a license or certificate must notify the health
8 professionals regulatory board in writing within ten days after the charge is filed.”

9 **ORDER**

10 **IT IS HEREBY ORDERED** that Respondent shall remit a \$500.00 civil penalty
11 **via certified funds** to the Board’s administrative office **within 90 days** of the effective
12 date of this order.

13 **IT IS FURTHER ORDERED** that Respondent complete and submit proof of
14 three (3) hours of Board staff pre-approved continuing education in the area of Ethics
15 **within 90 days** . These hours are in addition to those required for renewal of a licensure.

16 **1. General Provisions.**

17 a. Respondent shall pay all costs associated with complying with this Order.

18 b. If Respondent violates this Order in any way or fails to fulfill the requirements
19 of this Order, the Board, after giving the Respondent notice and the opportunity to be
20 heard, may revoke, suspend or take other disciplinary actions against Respondent’s
21 license. The issue at such a hearing will be limited solely to whether this Order has been
22 violated.

23 c. This Order shall terminate **90 days** from the effective date of the Order, but only
24 if all terms and conditions have been successfully completed to the satisfaction of the
25 Board.

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(Seal)

DATED this 4 day of June, 2022.

ARIZONA STATE BOARD OF MASSAGE
THERAPY



By: _____
Thomas Aughterton
Executive Director

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1 ORIGINAL OF THE FORGOING FILED
this _ _4 day of June 2022, with:

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3 Arizona State Board of Massage Therapy
1740 West Adams, Suite 3401
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
this _ 4 day of June 2022, to:

6 Sara Stark, Esq.
7 Chelle Law
5425 East Bell Road, Ste 107
8 Scottsdale, Arizona 85254

9 Hee Yang
Address of Record
10 *Respondent*

11 Seamus Monaghan, AAG
2005 North Central Avenue, SGD/LES
12 Phoenix, Arizona 85004
Attorney for the Board

13 By: _____

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