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REC'D JUN 30 2014

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

9 In the Matter of

10  
11 **YANJI YANG,**

12 Applicant for Licensure as a  
13 Massage Therapist in the  
State of Arizona

**CONSENT AGREEMENT FOR  
LICENSURE WITH PROBATION**

14  
15 **CONSENT AGREEMENT**

16 As Yanji Yang ("Applicant") has made application to the Arizona State Board of  
17 Massage Therapy (the "Board") for licensure as a massage therapist and, consistent with  
18 the public interest, statutory requirements and the responsibilities of the Board under  
19 A.R.S. § 32-4201, *et. seq.*, the Board and Applicant enter into the following Recitals,  
20 Findings of Fact, Conclusions of Law and Order ("Consent Agreement") for licensure  
21 with suspension and probation.

22 **RECITALS**

23 1. Applicant has read and understands this Consent Agreement and has had  
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
25 opportunity to discuss this Consent Agreement with an attorney.  
26

1           2.     Applicant understands that she has a right to a public administrative hearing  
2 concerning this matter, at which hearing she could present evidence and cross examine  
3 witnesses. By entering into this Consent Agreement, Applicant knowingly and  
4 voluntarily relinquishes all right to an administrative hearing, as well as all rights of  
5 rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 and/or judicial action, concerning the matters set forth herein.

7           3.     Applicant affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Applicant acknowledges and agrees that, upon signing this Consent  
10 Agreement and returning this document to the Board's Executive Director, she may not  
11 revoke her acceptance of the Consent Agreement or make any modifications to the  
12 document regardless of whether the Consent Agreement has been signed by the  
13 Executive Director. Any modification to this original document is ineffective and void  
14 unless mutually agreed by Applicant and the Board in writing.

15          5.     Applicant understands that the Consent Agreement shall not become  
16 effective unless and until signed by the Board's Executive Director on behalf of the  
17 Board.

18          6.     This Consent Agreement is subject to the approval of the Board and is  
19 effective only when accepted by the Board and signed by the Executive Director. In the  
20 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
21 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
22 any party, except that the parties agree that should the Board reject this Consent  
23 Agreement and this case proceeds to hearing, Applicant shall assert no claim that the  
24 Board was prejudiced by its review and discussion of this document or any records  
25 relating thereto.

26

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

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

8 9. Applicant understands that any violation of this Consent Agreement may  
9 result in disciplinary action. A.R.S. § 32-4253(A)(23).

10 10. Applicant agrees that the Board will adopt the following Findings of Fact,  
11 Conclusions of Law and Order.

12 ACCEPTED AND AGREED BY YANJI YANG

13  
14 *Yanji Yang*

15 \_\_\_\_\_  
Yanji Yang

16 Dated: 6/30/14

17 **FINDINGS OF FACT**

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

20 2. Applicant was convicted of violating Chandler Municipal Code 17-2.2  
21 (practicing massage without a license) and 17-12(E)(specified unlawful activities) on  
22 May 3, 2013 in the Municipal Court of Chandler, Arizona. Applicant's probation was  
23 successfully terminated on June 12, 2014.

24 3. On April 4, 2014, Applicant applied for licensure with the Board.

25 4. At its June 2014 meeting, the Board considered Applicant's application for  
26 licensure as a massage therapist in the State of Arizona.



1 4. Throughout the term of Applicant's suspension and probation, Applicant  
2 shall personally appear before the Board when requested to do so by the Board or Board  
3 staff.

4 5. Applicant shall obey all federal and state laws and rules governing the  
5 practice of Massage Therapists.

6 6. **One month prior to June 14, 2016**, Applicant shall request in writing that  
7 the Board terminate the probation. With her request for termination of probation,  
8 Applicant shall submit certificates showing completion of the 24 hours of continuing  
9 education required for renewal under A.R.S. § 32-4225(E). Applicant's request for  
10 termination will be considered at a regularly scheduled Board meeting. Applicant is  
11 required to personally appear at that Board meeting. Applicant's probationary period will  
12 continue until Applicant's request for termination is received and the Board terminates  
13 the probation.

14 7. Applicant shall pay all costs associated with complying with this Consent  
15 Agreement, including specifically the costs of participation in recovery support.

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

20 DATED this 30 day of June, 2014.

21  
22 ARIZONA STATE BOARD OF MASSAGE  
23 THERAPY  
24 By: Kathleen Phillips  
25 KATHLEEN PHILLIPS,  
26 Executive Director

1 ORIGINAL OF THE FORGOING FILED  
2 this 26<sup>th</sup> day of June, 2014, with:

3 Arizona State Board of Massage Therapy  
4 1400 West Washington, Suite 300  
5 Phoenix, Arizona 85007

6 EXECUTED COPY OF THE FOREGOING MAILED  
7 this 26<sup>th</sup> day of June, 2014, to:

8 Yanji Yang  
9 Address of Record

10 Matthew D. Liszewski, Esq.  
11 1837 S. Mesa Drive, Suite A201  
12 Mesa, AZ 85210  
13 Attorney for Applicant

14 Elizabeth A. Campbell  
15 Assistant Attorney General  
16 1275 W. Washington Street, CIV/LES  
17 Phoenix, Arizona 85007  
18 Attorney for the Board

19 #3865594



1 ORIGINAL OF THE FORGOING FILED

2 This 30<sup>th</sup> day of June, 2014, with:

3 Arizona State Board of Massage Therapy

4 1400 West Washington Street, Suite 300

5 Phoenix, Arizona 85007

6 EXECUTED COPY OF THE FORGOING MAILED BY CERTIFIED MAIL

7 This 30<sup>th</sup> day of June, 2014 to:

8 Yanji Yang

9 Address of Record

10 Respondent

11

12 EXECUTED COPY OF THE FOREGOING MAILED

13 This 30<sup>th</sup> day of June, 2014, to:

14

15 Matthew D. Liszewski, Esq.

16 1837 S. Mesa Drive, Suite A201

17 Mesa, Arizona 85210

18 Attorney for Respondent

19

20 Elizabeth A. Campbell

21 Assistant Attorney General

22 1275 W. Washington Street, CIV/LES

23 Phoenix, Arizona 85007

24 Attorney for the Board

25 S. Conger



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