

1 BEFORE THE ARIZONA BOARD OF MASSAGE THERAPY

2 In the Matter of:

3 *Zhang*)
4 AILI ZANG, LMT)
5)
6 License No. MT-18257)
7 As a Massage Therapist)
8 In the State of Arizona)
9

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

10 Pursuant to Notice of Hearing Number 14-128 (Notice) this matter came before the Arizona
11 Board of Massage Therapy (Board) on November 17, 2014.

12 Victoria Bowman, presided at the meeting with Board members John Ortega, Earl Duskey, and
13 Diane Pruetz in attendance and Dennis Beye absent.

14 The State was represented by the Office of the Attorney General, Elizabeth Campbell, Assistant
15 Attorney General, Licensing and Enforcement Section. Chris Munns, of the Solicitor General's
16 Section of the Attorney General's Office was present and available to provide independent legal
17 advice to the Board. Aili Zang (Respondent) was not present with an interpreter and was not
18 represented by counsel.

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

21 **AUTHORITIES AND JURISDICTION**

- 22
23 1. The Board is the duly constituted authority for licensing and regulating the practice of
24 massage therapy in the state of Arizona.
25 2. Respondent is the holder of license number MT-18257 as a massage therapist in the state
26 of Arizona.
27 3. Under A.R.S. §§ 32-4201 through 32-4259, the Board has jurisdiction over the subject
28 matter and over the Respondent as a licensee of the Board.

1 **FINDINGS OF FACT**

2 1. On May 7, 2014, while working as a massage therapist at Red Carpet Massage in
3 Scottsdale Arizona, Respondent manually stimulated massage therapy client SR's penis until he
4 ejaculated.

5 2. On May 12, 2014, Respondent was charged with the following offenses: (1) A violation
6 of Scottsdale City Code 16-221(d)(1) (providing massage to uncovered genitals); (2) A violation
7 of Scottsdale City Code 16-221(d)(3) (providing a massage and touching genitals); (3) A
8 violation of Scottsdale City Code 16-221(e)(l) (providing a massage to arouse, appeal, or gratify
9 sexual desires); and (4) a violation of A.R.S. § 13-3214(A) (prostitution). Respondent failed to
10 report these charges to the Arizona Board within ten working days.

11 **CONCLUSIONS OF LAW**

12 1. Under A.R.S. § 32-4201 *et seq.*, the Board has jurisdiction over the subject matter and
13 over the Respondent as a licensee of the Board.

14 2. The conduct described above in the Factual Allegations is grounds for discipline under
15 A.R.S. § 32-4253(A)(15)(engaging in sexual activity with a client).

16 3. The conduct described above in the Factual Allegations constitutes sexual activity in
17 violation of A.R.S. § 32-4253(B)(2)(a). ("Sexual activity" means sexual conduct).

18 4. The conduct described above in the Factual Allegations, constitutes sexual activity in
19 violation of A.R.S. § 32-4253(B)(2)(c) ("Sexual activity" means making sexual advances,
20 requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual
21 nature with a client).

22 5. The conduct described above in the Factual Allegations, constitutes sexual activity in
23 violation of A.R.S. § 32-4253(B)(2)(d) ("Sexual activity" means intentionally viewing a
24 completely or partially disrobed massage therapy client in the course of treatment if the viewing
25 is not related to treatment under current practice standards and is intended to appeal to the
26 prurient interest of the massage therapy client or the massage therapist)

1 6. The conduct described above in the Factual Allegations, constitutes sexual activity in
2 violation of A.R.S. § 32-4253(B)(3) (“Sexual conduct” means any direct or indirect touching,
3 fondling or manipulating of any part of the genitals or anus by any part of the body or by any
4 object or causing a person to engage in that conduct).

5 7. The conduct described above in the Factual Allegations constitutes unprofessional
6 conduct under A.R.S. § 32-3208(A) and (D), which provide that is unprofessional conduct for a
7 health professional who has been charged with a misdemeanor involving conduct that may affect
8 patient safety or a felony after receiving or renewing a license or certificate to fail to notify the
9 health professional’s regulatory board in writing within ten working days after the charge is
10 filed.

11 **ORDER**


12
13 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED**
14 that Respondent’s license number **MT-18257** is **REVOKED**.

15 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

16 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. §
17 41-1092.09 and A.A.C. R4-15-401(A), the petition must be filed with the Board within thirty-
18 five (35) days from the date of mailing if the Order was served by certified mail. The petition
19 must set forth legally sufficient reasons for granting the rehearing or review pursuant to A.A.C.
20 R4-15-401(C). The timely filing of a motion for rehearing or review shall stay the enforcement
21 of the Board’s Order. If a motion for rehearing or review is not filed, the Board’s Order becomes
22 effective thirty-five (35) days after it is mailed, unless pursuant to A.A.C. R4-15-401(F), the
23 Board has expressly found good cause to believe that this Order shall be effective immediately
24 upon the issuance and has so stated in this Order. The failure to file a motion for rehearing or
25 review within thirty days after service of the decision has the effect of prohibiting the parties
26 from seeking judicial review of the Board’s decision.

27 Dated and signed this 19th day of November, 2014.

ARIZONA BOARD OF MASSAGE THERAPY

By: 
Kathleen Phillips
Executive Director

ORIGINAL OF THE FOREGOING FILED
this 19th day of November, 2014 with the:
Arizona State Board of Massage Therapy
1400 West Washington, Suite 300
Phoenix, AZ 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
this 19th day of November, 2014, to:

Aili Zang
Address of Record
Respondent/Licensee

COPY OF THE FOREGOING MAILED
this 19th day of November, 2014

Christopher Munns
Assistant Attorney General
1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007
Attorney for the Board

Elizabeth Campbell
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