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**BEFORE THE ARIZONA BOARD OF
MESSAGE THERAPY EXAMINERS**

In the Matter of:

Jing Yun Zhang, LMT,

Holder of License No. MT-11478
As a Massage Therapist in the
State of Arizona,

Respondent.

Board Case No. 20-131

**CONSENT AGREEMENT FOR
VOLUNTARY SURRENDER**

11 In the interest of a prompt and judicious settlement of this case, consistent with the
12 public interest, statutory requirements and the responsibilities of the Arizona State Board
13 of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Jing Yun Zhang
14 ("Respondent"), holder of Massage Therapist License Number MT-11478 in the State of
15 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
16 of Law and Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

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

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

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the agreement
3 may be considered in any future disciplinary action by the Board against Respondent.

4 5. Respondent understands this Consent Agreement deals with Board case number
5 20-131 involving allegations that Respondent engaged in conduct that would subject
6 Respondent to discipline under the Board's statutes and rules. The investigation into
7 these allegations against Respondent shall be concluded upon the Board's adoption of
8 this Consent Agreement.
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10 6. Respondent understands that this Consent Agreement does not constitute a
11 dismissal or resolution of any other matters currently pending before the Board, if any,
12 and does not constitute any waiver, express or implied, of the Board's statutory authority
13 or jurisdiction regarding any other pending or future investigation, action or proceeding.

14 7. All admissions Respondent makes in this Consent Agreement are made solely for
15 the final disposition of this matter, and any related administrative proceedings or civil
16 litigation involving the Board and Respondent. This Consent Agreement is not intended
17 to be used for any other regulatory agency proceedings, or civil or criminal proceedings,
18 whether in the State of Arizona or any other state or federal court, except related to the
19 enforcement of the Consent Agreement itself.
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21 8. Respondent also understands that acceptance of this Consent Agreement does not
22 preclude any other agency, subdivision, or officer of this State from instituting any other
23 civil or criminal proceedings with respect to the conduct that is the subject of this
24 Consent Agreement.

25 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
26 and returning this document to the Board's Executive Director, Respondent may not
27 revoke Respondent's acceptance of the Consent Agreement or make any modifications to
28 the document regardless of whether the Consent Agreement has been signed by the

1 Executive Director. Any modification to this original document is ineffective and void
2 unless mutually agreed by the parties in writing.


3 10. This Consent Agreement is effective only when signed by the Executive Director
4 upon approval by the Board.

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

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

11 13. Respondent agrees that the Board adopts the following Findings of Fact,
12 Conclusions of Law and Order.
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15 **ACCEPTED AND AGREED BY RESPONDENT**
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19 Jing Yun Zhang
20 Respondent
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Dated: 01-29-2020

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1 **FINDINGS OF FACT**

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

4 2. Respondent is the holder of license number MT-11478 to practice as a Massage
5 Therapist in the State of Arizona.

6 3. On November 6, 2019, Respondent pled guilty to Facilitation to Conduct an Illegal
7 Enterprise (CR2018-002945) in violation of A.R.S. §§ 13-1004, 2312, a class 6
8 undesignated felony, and was sentenced to supervised probation for three (3) years that
9 began December 16, 2019.

10 4. Respondent did not notify the Board of her arrest within ten (10) business days as
11 required in A.R.S. § 32-3208.

12 **CONCLUSIONS OF LAW**

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

15 2. The conduct and circumstances described in the Findings of Fact constitute a
16 violation of A.R.S. §§ 32-4253(A)(4) (“Being convicted of a felony or other offense
17 involving moral turpitude or any conviction for prostitution, solicitation or another
18 similar offense. A conviction by a court of competent jurisdiction is conclusive evidence
19 of the commission of the crime.”).

20 3. The Board may accept the surrender of a license from a person, pursuant to A.R.S.
21 § 32-4254(O)(2), who admits in writing to any of the following: (2) Having committed an
22 act subject to discipline pursuant to this Chapter. (Citations Omitted).

23 4. The conduct and circumstances described in the Findings of Fact constitute
24 grounds for discipline pursuant to A.R.S. § 32-3208(A) (“A health professional who has
25 been charged with a misdemeanor involving conduct that may affect patient safety or a
26 felony after receiving or renewing a license or certificate must notify the health
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professionals' regulatory board in writing within ten working days after the charge is filed.”).

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the parties agree that Respondent hereby **VOLUNTARILY SURRENDERS** License Number MT-11478 to practice as a Massage Therapist in the State of Arizona.

DATED this 31st day of January, 2020.

ARIZONA STATE BOARD OF MASSAGE
THERAPY

(Seal)

By: _____


Thomas Augherton
Executive Director

ORIGINAL of the foregoing filed
this 31st day of January, 2020, with:

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

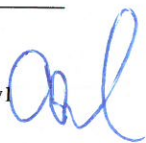
EXECUTED COPY of the foregoing mailed/emailed
this 31st day of January, 2020, to:

Kevin Crowley, Esq.
Lane, Hupp & Crowley, PLC
111 west Monroe Street, Suite 1216
Phoenix, Arizona 85003
Kevin@lhcpkc.com
Attorney for the Respondent

1 Jing Yun Zhang
2 4118 East Marlene Drive
3 Mesa, Arizona 85203
4 *Respondent*

5 COPY of the foregoing emailed
6 this 31st day of January, 2020, to:

7 Sabrina Khan
8 Assistant Attorney General
9 2005 North Central Avenue
10 Phoenix, Arizona 85007
11 Sabrina.Khan@azag.gov
12 *Attorneys for the Board*

13 _____
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