

 <p>State of Arizona Janice Brewer – Governor</p>	<p style="text-align: center;">Arizona State Board of Massage Therapy “Protecting the Public’s Health” 1400 West Washington • Suite 300 • Phoenix, AZ 85007 • Telephone 602-542-8604 • FAX 602-542-8804 Dennis Beye, LMT; Victoria Bowmann, LMT; John Ortega, Public Member Diane Pruetz, Public Member; Earl Duskey, LMT; Kathleen Phillips, Executive Director</p> <hr/> <p style="text-align: center;">MINUTES BOARD MEETING</p>
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July 22, 2013 9:00 a.m.
1400 West Washington St, B1
Phoenix, AZ 85007

1. Call to Order by Presiding Officer

Mr. Beye, Chair, called the meeting to order at 9:05 am.

A. Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members present:	Dennis Beye, Chair, LMT Victoria Bowmann, LMT, Vice Chair Earl Duskey, LMT John Ortega, Public Member
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Absent	Diane Pruetz, Public Member
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B. Acknowledgement of presence of Board staff and legal counsel.

Assistant Attorney General:	Elizabeth Campbell
Assistant Attorney General:	Chris Munns

Board Staff present:	Kathleen Phillips, Executive Director Stan Conger, Investigations Ellen Boyd, Licensing Administrator
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2. Call to the Public.

None

3. Discussion, Consideration and Possible Action on Consent Agenda

(Any item under consent may be removed for independent discussion and action by a Board Member.)

- A. Approval of Minutes: May 20, 2013 board meeting and May 22, 2013 telephonic board meeting
B. Approval of 206 Massage Therapy Application(s)

Ahnee, Taylor
Alvarez, Mariana
Alvarez, Veronica
Amaya, Mario
ArellanoFelix, Sally
Armruster, Timothy
Avalos, Rudy
Bailey, Michael
Baldonado, Shelby
Barbee, Dianna

Barlow, Lisa
Bartzen, Sara
Basko, James
Baumann, Cory
Beattie, Daniella
Beaulieu, Tara
Beck, Erika
Best, James
Billsie, Shonae
Birnstihl, Natalya
Bleviss, Joshua

Bowen, Kayli
Briscoe, Bridget
Cable, Ashley
Cabrera, Aaron
Campa, Marisa
Campoy, Mirna
Carl, Kaitlyn
Carpenter, Neil
Carrera, Mayra
Carrillo, Jorge
Carson, Chad

Castillo, Heidi
Castro, Shashonia
Chase, Misty
Chatfield, Brittney
Chee, Antonious
Clary, Lynn
Clements, Elizabeth
Coleman, Malynda
Collins, Sara
Coomes, Ashley
Cooper, Elizabeth
Corona, Rolando
Corrales-Madrid, Wanda
Covington, Chantae
Crowder, Jessica
Dankers, Tracy
Davis, Athina
Dawahoya, Kristy
DeBord, Cassandra
Dees, Stephanie
DePietro, Gina
Ding, HengXia
Draper, Sequoyah
Drechsler, Magdalene
DuBois, Denal
Edwards, Christopher
Elias, Patricia
Elkin, Kyle
Elliott, Cherisse
Elsas, Genesis
Enriquez, Stevie
Fabbrini, Jean
Fairbanks, Stanley
Figuroa Hernandez, Claudia
Figuroa, Diana
Flint, Chelise
Flores, Kimberly
Foster, Lisa
Frazee, Kathryn
Fry, Erin
Gabaldon, Iseabal
Garcia, Samantha
Gardiner, Dana
Gardner, Lindsey
Gendreau, Yaicha
Gift, Jennifer
Glotfelty, Lindsay
Gobel, Glen
Gonzalez, Adrienne
Gonzalez, Norma
Grant, Susanmarie
Greene, Autumn
Greene, Lauren
Greer-Smith, Betty

Hall, Marnie
Hardman, Carly
Harguess, Kaylee
Hayes, Tanya
Hays, Ashley
Healy, Gillian
Hendryx, Robert
Henriksen, Alisa
Heredia, Lorena
Hickey, Craig
Higgins, Dylan
Hillman, Alisha
Holmes, Leslie
Hook, Bryana
Howard, Keith
Huerta, Felicia
Ibarra Jr, Oscar
Jakubczyk, Stanley
Jimenez, Sergio
Jones, Anne
Kang, JiSun
Kemp, Valentina
Kenyon, Sharon
Kohlke, Kim
Kordich, John
Kortsens, Nicole
Kwiatowski, Heather
Lee, Brittany
Lee, DeAndre
Lee, Sung
Leonard, Alexis
Leonard, Kelly
Lima, Ashley
Ling, Haijun
Lopes, Michelle
Lounsbury, Katy
Loveland, Katherina
Lowry, Ryan
Lozolla, Melissa
Magallanes, Kimberly
Manion, Stephanie
Mann, Kimberly
Marler, Natascha
Martin, Scott
Martin, Sharon
Martinez, Dominik
Martinez, Cassandra
Martinez, Rosalia
McClain, Starr
McElfish, Gregory
Merrill, Jeremy
Merritt, Alcía
Miller, Carron
Miller, Mardell

Mills, Donna
Monter, Lydia
Murillo, Doris
Muro, Kimberly
Nebel, Kayla1
Nelson, Jerri
Nichols, Patricia
O'Brien, Amy
Okyere, Marlo
Olin, Elaine
Olsen, Ian
Ortiz, Jesus
Oslik, Deborah
Pele, Kimberly
Peralta, Ashley
Piner, Charta
Popejoy, Kandis
Pulliam, Tyler
Quintero, Bryan
Radas, Joshua
Range, Lacy
Ray, Valentino
Rayburn, Cara
Redhouse, Norma
Reott, Jillian
Rice, Christopher
Rice, Karen
Richmond, Christopher
Robles, Dora
Rollins, Emily
Rose, Emily
Ross, Mathina
Rowehl, Taryn
Sanniec, Clinton
Santos, Eduardo
Saufley, Rachel
Schwind, Michele
Shea, Erin
Sidel, Tabitha
Simmons, Tracy
Smith, Anthony
Smith, Samantha
Sprague, Maria
Squires, Patty
Stewart, Adam
Streeter, Candra
Tang, Tuan
Taylor-Johnson, Gazell
Torres, Kali
Torres, Nilza
Toth, Richard
Tufte, Julie
Urcadez, Julio
Ure, Katelyn

Valdez-Torres, Luis
Vanhoy, Ryan
Watkins, Kelli
Webster, Teal

West, Jamie
Whiting, Charity
Williams, Beverly
Worthey, Jay

York, Hyun
Zeller, Steven
Zenno, Chanelle
Zhang, Na

C. Approval of Massage Therapy Schools

CA	USA Pain Care College	1995-6/30/2007	19091 E Colima Rd	Rowland Heights	91748
CA	USA Pain Care College	1995-6/30/2007	15454 E Gale Ave #D	Hacienda Heights	91745
FL	Health and Beauty Inst of America	6/4/13 - 7/31/14	298 Towne Center Cir	Sandord	32771
MA	The Massage School	EXP 3/31/2013	1 Northampton St	Easthampton	01027
TX	Tarrant County College District	1969-2014	5301 Campus Dr	Fort Worth	76119
TX	Tarrant County College District	1969-2014	1500 Houston Dt	Fort Worth	76102
UT	SW Academy of Healing Arts	2003 - 2006	535 S Main St	Cedar City	84720
VA	Ancestral Mountain Ivina School	9/9/08-10/31/13	144 Silver Maple Ln	Pilot	24138
VA	Cedar Stone School of Massage		1834 S Main St	Harrisburg	22801

MOTION: Ms. Bowmann moved to approve (A), (B), and (C) as presented
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Absent - 1

4. Discussion, Consideration and Possible Action on Regulatory Matters

A. Discussion, Consideration and Possible Action on Cases Voted to Formal Hearings

1. **Xianying Norman** (Hearing) Case # 13-124 MT-17298 Expires 4/22/2015

Ms. Norman was not present.
Her counsel, Mr. Adrian Hall, was present.
Ms. Campbell addressed the Board and requested a continuance.
Mr. Hall objected to the continuance.

MOTION: Ms. Bowmann moved to continue the case.
Mr. Duskey seconded the motion.

ROLL CALL VOTE: Ms. Bowmann Aye
Mr. Ortega Aye
Ms. Pruetz Absent
Mr. Duskey Aye
Chair Beye Aye

2. **Kenneth Ware** (Hearing) Case #11-110 MT14472 Expires 6/3/2013

Mr. Ware was present without counsel.
Ms. Campbell addressed the Board and submitted exhibits, which the Board accepted.
Mr. Ware and the complainant, YW, were sworn in.
Ms. Campbell addressed the Board.
Mr. Ware addressed the Board.
YW testified.
Mr. Conger was sworn and testified.
Ms. Campbell and the Board questioned Mr. Ware.
Ms. Campbell gave her closing argument.
Mr. Ware gave his closing argument.

MOTION: Mr. Duskey moved to adopt the findings of fact as amended.

Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent - 1

MOTION: Ms. Bowmann moved to adopt the conclusions of law.
Mr. Duskey seconded the motion.

VOTE: Ayes – 3
Nays - 1
Absent - 1

MOTION: Mr. Duskey moved to suspend Mr. Ware's license for 3 years beginning the 35th day from the mailing of the order. He must appear before the Board at the end of the suspension. 50% of his 49 hours of continuing education for his next 2 renewals must be in ethics. Upon the end of his suspension, his license will be probationary for 1 year. He must appear before the Board at the end of his probation period.
Ms. Bowmann seconded the motion.

ROLL CALL VOTE:

Ms. Bowmann	Aye
Mr. Ortega	Aye
Ms. Pruetz	Absent
Mr. Duskey	Aye
Chair Beye	Aye

Break 10:45 am
Reconvened 10:55 am

3. **Justin Gallagher** (Hearing) Case # 13-103 MT-17021 Expires 3/12/2015

Mr. Gallagher was present without counsel.
Mr. Gallagher was sworn in.
Ms. Campbell addressed the Board.
Mr. Gallagher addressed the Board.
The Board questioned Mr. Gallagher.

MOTION: Ms. Bowmann moved to adopt the findings of fact with the date modification.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Absent - 1

MOTION: Ms. Bowmann moved to adopt the conclusions of law.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Absent - 1

MOTION: Ms. Bowmann moved to place Mr. Gallagher on probation until 3/12/2015. The continuing education submitted for his next renewal must include at least 6 hours of ethics. He must appear before the Board for release of the probation.
Mr. Ortega seconded the motion.

ROLL CALL VOTE:

Ms. Bowmann	Aye
Mr. Ortega	Aye
Ms. Pruetz	Absent
Mr. Duskey	Aye
Chair Beye	Aye

4. **Sean Rommes** (Hearing) Case #13-118 MT-17289 Expires 7/30/2014

Neither Mr. Rommes nor counsel were present.
Ms. Campbell addressed the Board and submitted a letter from Mr. Rommes requesting a continuance.
The Board denied the continuance request.
Mr. Conger was sworn in and testified.
Ms. Campbell submitted exhibits 2, 3, and 4, and were accepted by the Board.
Ms. Campbell gave her closing statement.

MOTION: Mr. Duskey moved to adopt the findings of fact.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent - 1

MOTION: Mr. Duskey moved to adopt the conclusions of law.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent - 1

MOTION: Mr. Ortega moved to revoke Mr. Rommes's license.
Ms. Bowmann seconded the motion.

ROLL CALL VOTE:

Ms. Bowmann	Aye
Mr. Ortega	Aye
Ms. Pruetz	Absent
Mr. Duskey	Aye
Chair Beye	Aye

5. **Gustav Gibson** (Consent) Case #12-122 #MT-01308P Expires 2/18/2015
Mr. Gibson was present without counsel.
Ms. Campbell address the Board.
The Board discussed the consent agreement.

MOTION: Ms. Bowmann moved to accept the consent agreement.
Mr. Ortega seconded the motion.

ROLL CALL VOTE:

Ms. Bowmann	Aye
Mr. Ortega	Aye
Ms. Pruetz	Absent
Mr. Duskey	Aye
Chair Beye	Aye

Break 11:30 am
Reconvened 11:35 am

B. Discussion, Consideration and Possible Action on Investigative Reviews

1. **Charles Udvarnok** Case #13-129 MT-09188 Expires 5/23/2013
Mr. Udvarnok was present without counsel.
Mr. Conger summarized the case.
The Board questioned Mr. Conger.
The complainant, KM, addressed the Board.

MOTION: Mr. Duskey moved the case to a formal hearing.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

2. **Howard Yeaman** Case #13-134 MT-04150P Expires 12/19/2013

Mr. Yeaman was present without counsel.
Mr. Conger summarized the case.
My Yeaman addressed the Board.
The complainant, CC, addressed the Board.

MOTION: Mr. Ortega moved the case to a formal hearing.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

3. **Ying Luo** Case #13-131 MT-11004 Expires 4/20/2015
Ms. Luo nor her counsel were present.
A faxed request for a continuance from her counsel was read.
The Board denied the continuance.

MOTION: Ms. Bowmann moved the case to a formal hearing.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Absent – 1

4. **Weihong Yu** Case #13-132 MT-07131 Expires 3/11/2014
Ms. Yu nor her counsel were present.
Mr. Conger summarized the case.

MOTION: Ms. Bowmann moved the case to a formal hearing.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Absent – 1

5. **Jason Dykstra** Case #13-136 MT-15941 Expires 5/23/2014
Mr. Dykstra nor his counsel were present.
Mr. Conger summarized the case.
The complainant's wife, SK, addressed the Board.

MOTION: Ms. Bowmann moved the case to a formal hearing.
Mr. Duskey seconded the motion.

VOTE: Ayes – 4
Absent – 1

6. **Ramona Vargas** Case #13-138 MT-08040 Expires 1/20/2015
Ms. Vargas nor her counsel were present.
Mr. Conger summarized the case.
Mr. Conger presented a faxed notice from the complainant to drop the complaint.

MOTION: Ms. Bowmann moved to dismiss the case.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Absent – 1

1. Stephen Cummings Case #13-135

Mr. Cummings was present without counsel.
Mr. Conger summarized the case.
Ms. Campbell questioned Mr. Cummings.
The Board questioned Mr. Cummings

MOTION: Mr. Duskey moved to go to Executive Session to obtain legal advice.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent - 1

Executive session began at 12:37 pm.
Regular session reconvened at 12:50 pm.

MOTION: Ms. Bowmann moved to grant Mr. Cummings a massage license with a consent agreement that immediately suspends his license for 90 days from the effective date of the consent agreement. Following the term of suspension, the applicant's license is immediately placed on probation for three years. During probation the applicant is required to participate in random drug testing at least once a month for the first year and at least quarterly thereafter at a drug testing facility pre-approved by Board staff. The applicant shall furnish the testing facility with a copy of the consent agreement and authorize the testing facility to submit test results directly to the Board. Any positive drug test is a violation of this order. Three years after the beginning of the probationary period, the applicant is required to request in writing that the Board terminate the probation and appear before the Board to obtain termination of probation.
Mir. Duskey seconded the motion.

VOTE: Ayes – 3
Nays – 1
Absent - 1

Break: 1:05 pm
Reconvened: 1:10 pm

Mr. Duskey recused himself.

2. Shawanna Huskey Case #13-141

Ms. Huskey was present without counsel.
Mr. Conger summarized the case.
The Board questioned Ms. Huskey.

MOTION: Ms. Bowmann moved to grant Ms. Huskey a massage license.
Mr. Ortega seconded the motion.

VOTE: Ayes – 3
Recused - 1
Absent - 1

D. Discussion, Consideration and Possible Action on Renewal Applications.

1. Sierra Goselin Case #13-130 MT-04322P

Ms. Goselin was present with counsel.
Mr. Conger summarized the case.
Counsel addressed the Board.

MOTION: Mr. Duskey moved to grant the renewal of her massage license.
Ms. Bowmann seconded the motion.

VOTE: Ayes – 4
Absent – 1

2. Laurie Van Fossen Case #13-139 MT-09285
Ms. Van Fossen was present without counsel.
The Board questioned Ms. Van Fossen.

MOTION: Ms. Bowmann moved to grant the renewal of Ms. Van Fossen's massage license with an Advisory letter.
Mr. Ortega seconded the motion.

VOTE: Ayes – 4
Absent – 1

E. Discussion, Consideration and Possible Action on Cease and Desist

1. Rambha Singh _ Owner of Rambha Day Spa
2. Lubna Basheer – Eyebrow Threader at Rambha Day Spa
Mr. Conger reported that the owner, Ms. Singh, stated the Ms. Basheer is not doing massage.
3. Jessica Castro – B Dazzled – Page Arizona & Amangiri Resort – Page, Arizona
The cease and desist letter was returned – no response
4. Shannon L. Haskie MT-14263 License Expired 2/2/2013
She is currently licensed and expires 2/2/2015. She renewed her license on 6/18/2013.

5. Administrative Matters

A. Massage license status report

Active: 10,071
Denied: 30
Pending: 163
Voluntarily Surrendered: 14
Revoked: 30
Closed - app withdrawn and failed to complete: 397

Ms. Phillips reported on the license status.

B. Discussion and Consideration and Possible Action of Administrative Matters and Legislative Updates

1. Legislative update of SB1021 and SB1044 – Kathleen Phillips
Ms. Phillips reported that the Massage Board will be continuing.
Only 24 continuing education hours will be required for renewal as of September 13, 2013.
2. Rules Update – Kathleen Phillips
Ms. Phillips reported that she is amending the rules to align with new statutes.
3. Federation update – Dennis Beye
The data base is still in process of being completed.

ADJOURNMENT: The meeting was adjourned at 2:14 pm.
The next scheduled meeting is September 23, 2013.