

IN THE MATTER OF

MYONG CHA CAMPBELL, C.M.T.

Certificate No. M00650

RESPONDENT

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BEFORE THE

STATE BOARD OF

CHIROPRACTIC EXAMINERS

CASE NUMBER: 05-24-M

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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-5A-01, et seq., (2000 Repl. Vol., 2004 Supp. and 2005 Repl. Vol.), the Massage Therapists Act (the "Act"), on July 28, 2006, the Board issued a Notice of Intent to Revoke the Massage Therapy certificate of Myong Cha Campbell, CMT, (the "Respondent"), due to violations of the Act. Specifically, the Board's Notice was based upon violations of the following provisions of § 3-5A-09. The pertinent provisions of the Act state:

(a) Subject to the hearing provisions of § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder if the applicant, certificate holder, or registration holder:

- (2) Fraudulently or deceptively uses a certificate or registration;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (19) Fails to cooperate with a lawful investigation conducted by the Board;
- (20) Engages in conduct that violates the professional code of ethics; or
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

The Board further based its Intent due to violations of the following regulation, its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000). Specifically the Board cited the Applicant with violating the following subsections:

.03 Standards of Practice.

C. A certificate holder or registration holder shall:

(8) Report to the Board of Chiropractic Examiners, or other appropriate authority, conduct in the practice of massage therapy that indicates a violation of:

(a) This chapter,

(b) Health Occupations Article, Title 3, Subtitle 5A, Annotated Code of Maryland, or

(c) Any other law, including but not limited to aiding or abetting the unauthorized practice of massage therapy or non-therapeutic massage; and

.05 Professional Boundaries, thereof:

A. A certificate holder or registration holder shall:

(1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and

(2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

B. A certificate holder or registration holder may not:

(1) Exploit a relationship with a client for the certificate holder's or registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;

(2) Engage in a sexually intimate act with a client; or

(3) Engage in sexual misconduct that includes, but is not limited to:

- (a) Therapeutic deception,
- (b) Non bona fide treatment, or
- (c) A sexually exploitative relationship.

A hearing was scheduled for November 9, 2006 at 1:00 p.m.; however, at that time, the parties made a presentation to the quorum of the Board for a settlement. After discussion, the parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant, the Respondent was certified by the Board to practice massage therapy in the State of Maryland. The Respondent was initially certified on March 1, 2000. The Respondent's certificate expired on October 31, 2006.¹

2. At all times relevant hereto, the Respondent was employed by Rainbow Spa in Howard County, Maryland.²

3. In March 2005, the Howard County Police Department, Vice and Narcotics Division (the "Police") received information from Customer A that he had gone to Rainbow on March 12, 2005, for a massage and was taken to a massage room, after paying \$60. He was instructed to disrobe and he did so, placing his wallet, keys and \$20 on the table, after which a female entered the room and had Customer A turn over on his back.

4. The female then placed some type of lubricant on her hand and began to masturbate Customer A. According to Customer A, she then removed her clothes and again masturbated him and tried to perform fellatio on him, which he told her to stop, whereupon she called him a "fag" and took his \$20 from the table. After he got dressed and

1 Due to the anti-lapse provision, the Respondent was still able to practice, because she had timely filed her renewal application and the Board has not acted on it yet.

2 Rainbow has been the action of several prior police/Board actions, as have individuals who practiced there. On April 1, 2003, Son Ok was placed on probation for three months. On April 1, 2003, Yumi Kim was placed on three months' probation. On May 15, 2003, Ho Sil Yang was placed on three months' probation.

was ready to leave, he was told not to come back and his tag number was allegedly recorded.

5. The Police showed Customer A photos of women working in the area, and he identified the Respondent as the one who had given him the "massage" at Rainbow.³

6. Based upon this, the Police contacted the Board's investigator, who informed them about other reliable reports of prostitution taking place at Rainbow. Consequently, the Police obtained a search and seizure warrant which was executed on April 7, 2005. As a result, the following occurred:

- A. One Police Officer posed as a customer and rang the front doorbell, which was opened by a female, who acted as a manager, and who was later identified to be Myong Rader, a non-certificate-holder;
- B. The rest of the police, as well as the Board's investigator, followed the officer into the building. Detective Williams went to room #0 where he found one massage therapist nude with a nude male customer, whom she was straddling so that her vaginal area was directly over the customer's face and her face was above his erect penis, which she had in her hand, with some type of lubricant in her hand as well.
- C. The Police/Board investigator found the Respondent in the table shower area with Customer B, who was lying face down on the table, nude, with soap foam on his buttocks.

³ The Respondent denied that she was at Rainbow on that date, as that day was a Saturday and the Respondent claims that she does not work on Saturdays.

D. In Room #6 was Customer C who was sitting on a chair, completely nude, with an erect penis. Another massage therapist was found hiding in a corner, wearing a green see-through dress that exposed her breast area and she had on no underwear. A finger condom was found on the floor near where the customer was seated. That therapist was found to have a black hair band, which later was found to have condoms secreted in the lining.

7. As a result of the above, the Respondent and others were arrested and charged with prostitution.⁴

8. On April 29, 2005, the permit to operate Rainbow was revoked by the Howard County Department of Permits, as was the manager's certificate of Ms. Rader.

9. On April 11, 2005, the Board summonsed the Respondent to answer questions as a result of the above activities. The Respondent, under advice of her prior lawyer, refused to cooperate and was, consequently, sent a letter indicating that she could be charged with failure to do so.

10. On May 15, 2006, the Respondent finally appeared at the Board for an interview, at which time she acknowledged that she had been at Rainbow for 18 months when the inspection took place on April 7, 2005. The Respondent further acknowledged that: at that time, she was clothed and was beginning to give the customer a table shower; and, she had soap and a sponge in her hands and the client was lying face down with his buttocks exposed. The Respondent denied ever giving hand releases, but stated she had witnessed other employees do so.⁵

⁴ The Respondent's case was later *nolle prossed*.

⁵ The Respondent now claims that she misunderstood the question and meant that she had heard talk that that was done, but she did not participate in those activities.

11. A massage therapist who uses her certification to perform illegal sexual activities under the guise of providing a massage, and, who knows that this activity is occurring in her workplace, yet does not notify the Board or other authorities, is in violation of the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-5A-09 (a) (2), (8), (19), (20) and (21); and, Code Md. Regs. tit. 10, § 43.18.03 C (8) (a) (b) and (c), .05 A. (1) and (2) and, B (1), (2) and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 6th day of December, 2006, by a majority of a quorum of the Board,

ORDERED that the Respondent's certificate to practice massage therapy is hereby **SUSPENDED** for one month, or until the Respondent takes and successfully completes, with the requisite percentages set by the Board, the following:

1. The Jurisprudence examination administered by the Board;
2. The Proficiency examination administered by the Board; and,
3. Pays the cost of compliance with the above conditions.

ORDERED that the Respondent shall have three attempts to pass both examinations; if the Respondent fails to pass both examinations after three attempts, the Respondent's certificate shall be revoked;

ORDERED that, if the Respondent's certificate is revoked she may not apply for a new certificate until six months has passed from the date of revocation;

ORDERED that, if the Respondent has to apply for new certification, it shall be under the terms and conditions that are current and in effect at that time;

ORDERED that, if the Respondent should pass above examinations with the requisite scores, the Board will Lift the Suspension on the Respondent's certificate and will issue to the Respondent a (renewed) certificate (that will expire on October 31, 2008.)⁶ At that time, the Respondent shall be placed on Probation for one year.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including lifting the suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

⁶ Pursuant to the Board's decision to accept a suspension of one month, the Respondent turned her certificate in, which had expired on its face.

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of massage therapy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to have all and any conditions or restrictions removed from her certificate, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (2004 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Marc M. Gamerman, D.C., President
State Board of Chiropractic Examiners

CONSENT OF MYONG CHA CAMPBELL, C.M.T.

I, Myong Cha Campbell, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Fred A. Thompson, and have been advised by him of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my certificate to practice massage therapy in this State cannot be limited except pursuant to the provisions of § 3-5A-09 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol. and 2006 Supp.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 3-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my certificate to practice massage therapy in the State of Maryland.

11/30/06
Date

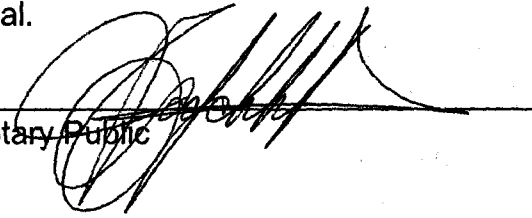
Myong Cha Campbell
Myong Cha Campbell, C.M.T.

STATE OF Virginia :

CITY/COUNTY OF Fairfax :

I HEREBY CERTIFY that on this 30 day of November, 2006, before me, Myong Cha Campbell, a Notary Public of the foregoing State and (City/County), personally appeared Myong Cha Campbell, Certificate No. M00650, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: Dec 31 2006