

IN THE MATTER OF
ALVERTA GLADYS CANN
APPLICANT

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS
* CASE NUMBER: 06-059M

* * * * *

**FINAL ORDER OF DENIAL OF
CERTIFICATION TO PRACTICE MASSAGE THERAPY**

The State Board of Chiropractic Examiners ("the Board") notified Alverta Gladys Cann, ("the Applicant"), D.O.B. 08/20/58, of the Board's intent to DENY her application for certification to practice massage therapy under the Maryland Chiropractic Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-5A-01 *et seq.* (Repl. Vol. 2005 & Suppl. 2007). The pertinent provisions state:

H.O. § 3-5A-05 Requirements for certification and registration.

(b) *Qualifications for certification.* - To qualify for a certificate, an applicant shall be an individual who:

- (1) Is of good moral character.

H.O. § 3-5A-09. Denials; suspensions; revocations.

(a) *Denial of certification or registration.* 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:

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

FINDINGS OF FACT

The Board finds that:

1. On or about November 1, 2006, the Board received the Applicant's application for certification/registration in Massage Therapy ("application for certification").

2. On her application for certification, the Applicant answered "Yes" to question D: "Have you ever been arrested or pled guilty, no contest, nolo contendere, or been convicted of crime, received probation before judgment (other than a minor traffic violation)?"

3. In response to question D, the Applicant indicated on her Application for Registration that she had been convicted of convicted of "2nd degree assault" in the Circuit Court for Baltimore County.

4. In or around January 2003, the Applicant was charged by way of a criminal information by the State's Attorney for Baltimore County, Maryland with one count of Vulnerable Adult Abuse, in violation of Md. Crim. L. § 3-603 (a copy of the Criminal Information and the Statement of Probable Cause in *State of Maryland v. Alverta Gladys Cann, Criminal Case Number 02C4655*, are attached hereto and incorporated herein as **Exhibit A**).

5. On December 2, 2003, the Applicant pled guilty to one Count of second degree assault, in violation of Md. Crim. L. § 3-203, before Baltimore County Circuit Court Judge Ruth Ann Jakubowski (a copy of the Court Clerk's Work Sheet and the

Probation/Supervision Order dated December 2, 2003 in *State of Maryland v. Alverta Gladys Cann*, Criminal Case Number 02C4655, are attached hereto and incorporated herein as **Exhibit B**).

6. On December 2, 2003, the Applicant was sentenced by Judge Jakubowski to three years with all but three months suspended. The Applicant was placed on probation for a period of three years and ordered to undergo alcohol treatment.

7. Second degree assault is a crime involving moral turpitude.

8. The findings set forth above indicate that the Applicant lacks good moral character and the findings set forth above constitute grounds for denial of the Applicant's application for certification to practice massage therapy H.O. § 3-5A-05 (b) (1).

9. The findings set forth above are grounds for discipline in Maryland and constitute grounds for denial of the Applicant's application for certification to practice massage therapy under H.O. § 3-5A-09 (a) (4).

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that the Applicant's lacks good moral character and, therefore, fails to meet the qualifications for registration under H.O. § 3-5A-05 (b) (1). The Board also concludes that the Applicant's guilty plea and conviction, as set forth above, is a violation of H.O. § 3-5A-09 (a) (4).

ORDER

Based on the foregoing findings of fact and conclusions of law, it on is this day,
2/5 of ²⁰⁰⁸~~2007~~ that the majority of the Board hereby:

JN

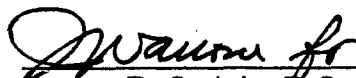
ORDERED that the application for certification to practice massage therapy of Alverta Gladys Cann is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2004 & Supp. 2007), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (Repl. Vol.2004 & Supp. 2007).

FEB 05 2008

Date



Duane R. Sadula, D.C., President
Board of Chiropractic Examiners
By Direction

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 3-316 (Repl. Vol. 2005), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of the Final Order and shall be made as provided for judicial review of a final decision, in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2004 & Supp 2007), and Title 7, Chapter 200 of the Maryland Rules.