

**IN THE MATTER OF
MUN S. CHOI, C.M.T.
CERTIFICATE NO. M01566
RESPONDENT**

**BEFORE THE
STATE BOARD OF
CHIROPRACTIC EXAMINERS
Case Number: 04-46M**

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to Md. Code Ann., Health Occ. ("H.O.") § 3-315(a), and Maryland Code of Regulations (COMAR) 10.43.02.07, The Maryland State Board of Chiropractic Examiners (the "Board") hereby renders the following final decision and order:

BACKGROUND

In November of 2004 the Board discovered that Mun S. Choi's renewal application included a CPR card that was apparently a forgery. After a follow up investigation revealed that the card was indeed a forgery, charges were issued. Ms. Choi was charged with fraudulently or deceptively obtaining or attempting to obtain a certificate or registration for the applicant or for another in violation of Maryland Code Ann. Health Occ.) ("H.O.") § 3-5A-09 (1) and Code Md. Regs. tit. 10, § 43.20.01 – A.

A hearing on the merits was held on May 11, 2006. Present were the following Board members, which constituted a quorum: Dr. Marc Gamerman, President of the Board, who presided at the hearing; Dr. Brian Ashton; Dr. Margaret Renzetti; Dr. Duane Sadula; Dr. Kay O'Hara; and Mary Anne Frizzera-Hucek. Also present were Roberta Gill, Assistant Attorney General/Administrative Prosecutor; Grant D. Gerber, Board Counsel; Robert Kim,

Respondent's Counsel; and James J. Vallone, Board Executive Director. Ms. Choi did not appear, but was represented by counsel.

Ms. Choi's attorney and the prosecutor agreed to proffer that they would stipulate to the facts as alleged in the charging document. Accordingly, the Board agreed to accept the findings fact as pled by the prosecutor. Ms. Choi's counsel agreed to stipulate to the admission of State's Exhibits 1-6.

FINDINGS OF FACT

1. At all times relevant, Ms. Choi was licensed by the Board to practice massage therapy in the State of Maryland. Ms. Choi was initially certified on August 9, 2001, and last renewed her license on October 27, 2002. Ms. Choi's license expired on October 31, 2004.

2. By document dated October 26, 2004, Ms. Choi submitted a renewal application for the licensing year 2004 through 2006. Ms. Choi signed a statement affirming that that the information she gave in the application was "true and correct to the best of [her] knowledge and belief." On Section D of said application, Ms. Choi certified that she had obtained the required 24 hours of continuing education and held a current CPR (Cardio-Pulmonary Resuscitation) certificate.

3. Upon a closer review of the CPR certificate submitted by Ms. Choi, it appeared that it differed from certificates submitted with other renewal applications. Consequently, the Board referred the matter to its investigator, who interviewed Ms. Choi and others to disclose the following:

A. CProfessionals, the purported issuer of the CPR certificate was contacted and made a search through its records which disclosed that Ms. Choi had not attended a class there for CPR training. In addition, the purported instructor of the training class, Jean Leonick, stated that Ms. Choi had not attended her class and advised that the card was a "fake."

B. On December 16, 2004, Ms. Choi was interviewed in the presence of her attorney. Ms. Choi stated that:

(1) While in New York at a place called Hama Spa, she met someone she knows as Ok Hee Kim;

(2) Ms. Choi mentioned that she needed to obtain CPR training for her renewal as a massage therapist in Maryland;

(3) Ms. Kim then allegedly informed Ms. Choi that she would provide her with a CPR card, and asked Ms. Choi to give her her name, which Ms. Choi did;

(4) Ms. Choi indicated that Ms. Kim then returned with the card a few days later, and gave it to her without charging her for it;

(5) Ms. Choi claimed that she did not know the address of Hama Spa—only that it was in New York City. A search of the New York City telephone books failed to disclose any such listing.

She also claimed that she did not know how to contact Ms. Kim, or where she worked or lived;

(6) CProfessionals was questioned as to whether it had an Asian female working for it by the name of Ok Hee Kim. The investigator was advised by Ms. Leonick, the CPR instructor, that she had examined all of the work records for the company and that there has never been a staff member by that name, nor have any Asian males or females worked for CProfessionals at any location.¹

4. A massage therapist who submits falsified documents to renew her certificate is in violation of the Act and regulations there under.

CONCLUSION OF LAW

The Board finds that Ms. Choi violated H.O. § 3-5A-09 (1) (fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant or for another), by submitting a forged CPR card with her renewal packet. Ms. Choi concedes that she deceived the Board when she submitted her renewal application with a forged CPR card. Although the Board can and does independently verify applications for licensure through other means, to a great extent the Board must rely on each applicant's candor, honesty, integrity and thoroughness in completing the application. For this reason, the Board finds this violation to be a very serious offense and orders that Ms. Choi be suspended and fined for this violation.

¹ After the interview, the Respondent's attorney wrote the Board that the Respondent had completed a valid CPR training course and provided the telephone number of the "Hama" Spa, which subsequent calls elicited no further responses regarding Ms. Kim.

ORDER

Based on the foregoing Facts and Conclusions of Law, by a majority vote of a quorum of the Board present, it is hereby

ORDERED on this 6th day of November 2006, that Ms. Choi's certificate as a Certified Massage Therapist in the State of Maryland be and is hereby **SUSPENDED** for a period of one year; and be it further

ORDERED that Ms. Choi shall pay a fine of \$5,000.00;

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

ORDERED that Ms. Choi shall be pay all hearing costs incurred by the Board in the amount of \$169.50; and be it further

ORDERED that this is a final Order of the Maryland Board, and as such is a public document pursuant to the Maryland Public Information Act, codified at State Govt. Code Ann. § 10-611, *et seq.*, (2004 Repl. Vol.).



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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 3-316, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty days of your receipt of this executed Order, and shall be made as provided for judicial review of a final decision in the APA, codified at State Govt. Code Ann. § 10-201, *et seq.*, (2004 Repl. Vol.).