

IN THE MATTER OF
HYUN D. KIM, CMT
CERTIFICATE NO. M01710
Respondent

* BEFORE THE
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case Number: 04-12-M

* * * * *

ORDER OF REVOCATION OF MASSAGE THERAPY CERTIFICATE

Pursuant to Md. State Govt. Code Ann. ("S.G.") § 10-226(c)(1) (2004 Repl. Vol.) and the Maryland Massage Therapists Act, codified at Md. Health Occ. Code Ann. § 3-5A-01, et seq., ("the Act") (2000 Repl. Vol.), the State Board of Chiropractic Examiners ("the Board") hereby **REVOKES** the massage therapy certificate of Hyun D. Kim, CMT, ("the Respondent"), Certificate No. M01710.

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S CERTIFICATE

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 December 12, 2001 and last renewed his certificate on October 18, 2002. The Respondent's certificate expired on October 31, 2004.

2. At all times relevant hereto, the Respondent was purportedly employed by the Oriental Spa in Elkridge, Maryland in Howard County. Oriental is owned by Sun Yul (Peter) Kim. Because of bribery offers to the Board's inspector and a Howard County Police Officer, Mr. Kim was charged with bribery and was subsequently convicted of same on June 11, 2004. Mr. Kim was sentenced to jail and forfeited all money seized.

3. The Respondent applied for his initial certification on August 20, 2001. The Respondent listed her home address as Fort Lee, New Jersey and her business address as Oriental. In support of his application, Mr. Kim, also the owner of Four Seasons Spa in Fort Lee, attested that the Respondent was an employee of said Spa from 1996-2000. He further attested that the Respondent had performed approximately 20 hours of paid massage therapy sessions per month between September 1996 and October 1999, amounting to 600 hours of paid massage therapy sessions.¹

4. During the execution of a search and seizure warrant at Oriental on February 26, 2004, the Respondent's certificate was found to be displayed on the wall; however, the Respondent was not at the location.

5. On April 12, 2004, the Office of the State Prosecutor conducted an interview of G.L., a certified massage therapist who was the manager of Oriental. During that interview, Ms. G.L. disclosed the following:

- A. Ms. G.L. advised that she had worked for Oriental from September 2001 until August 2003, when she left for health reasons;
- B. Ms. G.L. stated that she had never worked for Four Seasons, as attested to in her application by Mr. Kim;
- C. Ms. G.L. stated that the Respondent had never worked at Oriental during the time that she was there.

¹ At the time that the Respondent submitted her application, she was allowed to be "grandfathered" in by virtue of having completed schooling and a certain amount of paid massage therapy sessions. The school which the Respondent attended, Excel Institute in Palisades, New Jersey, was removed from the Board's list of approved schools in November 2001.

certification for violation of the following regulation, Code Md. Regs. tit. 10 § 43.17 (1999):

.05 Application of Certification. (3) Provide evidence that the applicant is: (a) (Of good moral character [;].)

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this day of _____, 2002, hereby **ORDERED** that the (renewal) application for certification as a massage therapist of Chung Kang is hereby **DENIED**.

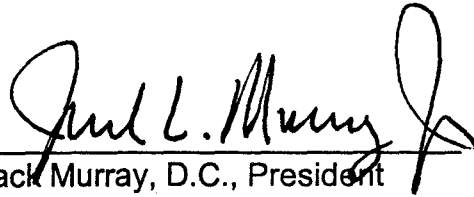
It is further **ORDERED** that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h) (2000 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 3-316 (2000 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2000 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

JAN 02 2003

Date


Jack Murray, D.C., President
Board of Chiropractic Examiners