

IN THE MATTER OF	*	BEFORE THE
WOO J. KIM, a/k/a WOO LEE, CMT	*	STATE BOARD OF
CERTIFICATE NO. M01709	*	CHIROPRACTIC EXAMINERS
Respondent	*	Case Number: 04-13-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. and 2004 Supp.), the State Board of Chiropractic Examiners ("the Board") hereby **REVOKES** the massage therapy certificate of Woo J. Kim, a/k/a Woo Lee, CMT, ("the Respondent"), Certificate Number. M01709.

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 her certificate on October 15, 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 her initial certification on August 31, 2001. The Respondent listed her home address as Fort Lee, New Jersey and her business address as Oriental. In support of her application, Mr. Kim, also the owner of Four Seasons Spa in Fort Lee, attested that the Respondent was his wife and co-owner. He further attested that the Respondent was an employee of said Spa from 1989-2000 and had performed approximately 30-40 hours of paid massage therapy session per month between October 1994 and October 1999, amounting to 1700 hours of paid massage therapy session.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 Ms. 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 she had never seen the Respondent 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.

6. During numerous inspections of Oriental, numerous violations were cited, namely, uncertified massage therapists working and performing illegal activities.

7. Because the Respondent's certificate was found on Oriental's wall, on March 9, 2004, a subpoena was issued to the Respondent to be interviewed on April 5, 2004, at the Board's offices in regard to her alleged employment at Oriental, and her application of September 2001, including verification of attendance at Excel. The subpoena was signed for, but the Respondent failed to attend the interview. The Respondent's attorney was also contacted, but failed to respond to numerous Board messages regarding the Respondent.

CONCLUSION OF LAW

The Board finds that the Respondent violated § 3-5A-09 (19) (Fails to cooperate with a lawful investigation conducted by the Board).

ORDER

Based on the foregoing Facts that Warrant Revocation of the Respondent's Certification and Conclusion of Law, by a unanimous vote of a quorum of the Board present, it is hereby

ORDERED on this 31 day of May 2005, that the Respondent's certificate as a Certified Massage Therapist in the State of Maryland be and is hereby **REVOKED**; 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.).



E. Brian Ashton, D.C., P.T., 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.).