

IN THE MATTER OF

CHAN LILEY, L.M.T.

Respondent

License Number: M01275

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* AND MASSAGE THERAPY
* EXAMINERS
* Case No.: 10—48M

* * * * *

ORDER

On or about May 10, 2011, the State Board of Chiropractic and Massage Therapy Examiners (the "Board") notified Chan Liley, ("Ms. Liley" or "the Respondent") that she was being charged with violation of certain provisions of Md. Health Occ. Code Ann. § 3-101, et seq., the "Chiropractic and Massage Therapy Examiners Act," (the "Act") (2009 Repl. Vol.). Specifically, the Board charged the Respondent with violation of the following provisions of § 3-5A-11:

(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;

(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 charged the respondent with violating its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000):

.04 Standards of Practice.

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.

The Board held a hearing on this matter on August 11, 2011. The Board issues this Final Decision and Order based upon its consideration of the entire record, including the exhibits, witness testimony and oral arguments. Ms. Liley did not attend the hearing. The hearing was conducted in accordance with the APA, the Board's practice act and regulations. A full quorum of the Board was present during the entire hearing and deliberations. The Board unanimously agreed to the Findings of Fact and Conclusions of Law in this order. For the reasons set forth below, the Board approves and adopts this Final Decision and Order.

SUMMARY OF THE EVIDENCE

The prosecution introduced seven (7) exhibits, all of which were admitted into evidence:

No. 1 Computer printout of info

- 2 Code Enforcement Citation
- 3 Subpoena and attachments
- 4 Maryland Case Info
- 5 Investigative Report
- 6 9/28/10 Renewal
- 7A Letter of Procedure, dated 4/10/11
- 7B Charges
- 7C Summons

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant hereto, the Respondent was licensed to practice massage therapy in Maryland. The Respondent was first licensed on November 27, 2000. The Respondent's license expires on October 31, 2012.

2. At all times relevant hereto, the Respondent worked at a Baltimore County massage parlor on York Road.

3. In the Fall of 2009, the Baltimore County Police Department's Vice Unit received a letter from an anonymous source who advised that employees of the business were believed to be engaged in illegal massage and prostitution.

4. On May 17, 2010, the Vice Detective conducted undercover surveillance at the facility where a male was observed exiting the establishment and driving off in a silver Honda. He was stopped a short while later by uniformed officers and interviewed by a Vice Detective. The male patron indicated that he had visited the facility approximately 20 times over the past three years and had received full body massages and sexual favors. He advised that on the day he had taken a shower and spent time in the sauna, after which he received a massage. After the massage, an Asian female, known to him

as Liley, massaged his penis. He further stated that he paid Liley \$70, and tipped her \$40.

5. On June 15, 2010, the Vice Detectives again conducted surveillance on the facility in reference to the same ongoing prostitution complaint. During the surveillance, a male was observed exiting the establishment driving off in a black Ford Fusion. A traffic stop was initiated by uniformed officers, after which a Vice Detective interviewed the customer who indicated that he became aware of the facility from an internet Google search of "Spa Hunter." On that date, he was greeted by an Asian female wearing orange clothes. He requested a one hour massage, for which the price of \$70 was quoted. After paying the amount, he was greeted by another Asian female wearing a multi-colored blouse and black stretch pants, who was later identified as the Respondent. The Respondent led the male to a shower room where he disrobed and she gave him a table shower, at the conclusion of which he was led to a room where he received a full body massage. The Respondent then massaged his penis until he ejaculated, after which she cleaned him with a towel. After getting dressed, he gave the Respondent a \$40 tip and left the establishment.

6. On that same date, the Vice Unit observed an Asian female wearing orange clothing exiting the facility walking a dog. She was stopped by Detectives, while other Detectives entered and secured the establishment while an application for a Search and Seizure Warrant was being prepared. The Respondent, who was wearing a multi-colored blouse and black stretch pants, was brought outside the facility where the male patron identified her as the female who gave him the table shower, full body massage and penis massage until he ejaculated.

7. The Respondent was subsequently arrested and charged with two counts of prostitution.

8. The Board was advised of the Respondent's arrest. On August 17, 2010, in the District Court for Baltimore County Maryland; the case was *nolle prossed*.

9. On September 29, 2010, the Respondent advised the Board's investigator that she worked at the facility for approximately four months, during which time she did not write any S.O.A.P. notes or maintain any client records.

10. As set forth above, the Respondent is in violation of the Act and the Regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the Respondent violated the Massage Practice Act pursuant to Md. Code Ann., Health Occupations Art. §§ 3-5A-11(a) (2), (8), (20), (21); and COMAR 10. 43.18(A) and (B). Ms. Lilley deceptively used her massage license to conduct illicit sexual activities in violation of section 3-5A-11(a)(2).

The same conduct outlined above violated the Board's standards, code of ethics and regulations. See Md. Code Ann., Health Occupations Article §§ 3-5A-11(a) (8), (20), and (21). Ms. Liley violated the Board's regulatory standards by not maintaining appropriate boundaries or keeping appropriate records. Specifically, Ms. Lilley violated COMAR 10.43.18(A)(1) and (A)(2).

Ms. Liley also violated COMAR 10.43.18(B)(1),(B)(2) and (B)(3). Ms. Liley exploited a relationship with a client, engaged in sexually intimate conduct, and

committed sexual misconduct. For all these reasons, the Board's revokes Ms. Liley's license.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th Day of October, 2011 that the majority of the Board hereby:

ORDERED that, pursuant to the authority vested in the Board of Chiropractic Examiners by Md. Code Ann., Health Occ. Article, § 3-5A-11, the Respondent's massage therapy certification is hereby **REVOKED** and the Board will not accept, from the Applicant, any future application for licensure, certification, and/or registration for five years; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol.), 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.* (2009 Repl. Vol.).

October 19, 2011

Date



J.J. Vallone, JD, CFE Exec. Director for
Stephanie Chaney, D.C., President
Board of Chiropractic & Massage
Therapy Examiners