

IN THE MATTER OF

*

BEFORE THE

CHUNMEI MILLER

*

STATE BOARD OF

Applicant

*

CHIROPRACTIC EXAMINERS

* * * * *

**FINAL ORDER OF DENIAL OF MASSAGE THERAPY CERTIFICATE
BACKGROUND**

On March 14, 2002, the State Board of Chiropractic Examiners (the "Board") received a report from its investigator that the Applicant, while working at Mi Sun Therapy in Wheaton, Maryland, on November 27, 2001, gave a male customer a table shower, washed his genitals, and then exposed her breasts and performed a hand-release on him. On the aforementioned date the Board, by a majority of its full authorized membership, voted to initially deny the Applicant's application. On the aforementioned date the Board, by a majority of its full authorized membership, voted to initially deny the Applicant's application. On , 2002, the Board sent a Notice of Initial Denial to the Applicant giving her thirty (30) days from the date of the Notice to request a hearing in writing, lest the Board sign the Final Order of Denial that was enclosed therein. Thirty days have passed and the Applicant failed to request a hearing in writing. Therefore, the Board takes the following action:

FINDINGS OF FACT

1. By application dated October 16, 2001, the Applicant applied for certification as a massage therapist.

2. On November 27, 2001, investigators from the Montgomery Vice and Intelligence Section conducted a surveillance/investigation of Mi Sun Therapy. Detective Stack of the Section interviewed a male customer after he left Mi Sun, who stated that he had paid \$60 for a massage and that the female who took his money also gave him the massage. The customer further stated that that female, later identified by the customer to be the Applicant, gave him a table shower, while he was naked, and washed his genitals. The customer further indicated that, after the shower, they went back to the massage room, where the Applicant gave the customer a massage on his back while he was still naked. The customer then flipped onto his back, at which time the applicant exposed her breasts, and asked, "how much for these babies?" The customer indicated that he would give her \$60, whereafter the Applicant rubbed her body over his body. The Applicant then put oil on him and gave him a hand release, after which the customer gave her the \$60.

3. After the interview, Detectives Stack and Colferai went to Mi Sun Therapy to identify the Applicant, who informed the police that she had given the customer the massage and that she had an application pending with the Board.

4. Washing a customer's genitals, exposing one's breasts, and giving a customer a hand release, for extra money, under the guise of giving him a therapeutic massage, is evidence of the lack of good moral character.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law that, washing a customer's genitals, exposing her breasts, and giving the customer a hand

release, under the guise of giving him a therapeutic massage, is evidence of the lack of good moral character. As a result, the Board concludes that the Applicant violated the Maryland Chiropractors Act (the "Act"), Md. Health Occ. Code Ann. § 3-5A-09 (a) (21) (Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.) The Board further concludes, as a matter of law, that the Applicant violated § 3-5A-05 (b)(1) (To qualify for a certificate, an applicant shall be an individual who is of good moral character) of the Act. The Board also concludes, as a matter of law, that the Applicant violated Code Md. Regs. tit. 10 § 43.17.05 (4) (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 29th day of APR, 2002, hereby **ORDERED** that the application for certification of Chunmei Miller 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.).

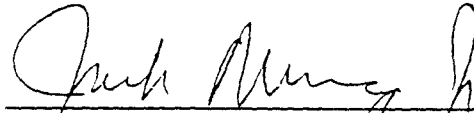
NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 3-316 and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, 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.

4/29/02

Date



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