



STATE OF MARYLAND

DHMH

MD Board of Chiropractic & Massage Therapy Examiners

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Suite 301 • Baltimore, Maryland 21215-2299

Chiropractic: 410-764-4726 • Massage Therapy: 410-764-4738 • Fax: 410-358-1879

Larry Hogan, Governor - Boyd Rutherford, Lt. Governor - Van Mitchell, Secretary

December 30, 2015

HAND-DELIVERY

Gavin A. Otto, RMP
7205 Blanchard Drive
Derwood, Maryland 20855

RE: ORDER FOR SUMMARY SUSPENSION
Registration No. R00773
Case No. 15-85M

Dear Mr. Otto:

Enclosed please find an executed **ORDER FOR SUMMARY SUSPENSION** ("Order") of your registration to practice as a registered massage practitioner in the State of Maryland. Please be advised that the State of Maryland Board of Chiropractic & Massage Therapy (the "Board") voted to summarily suspend your registration to practice massage therapy in the State of Maryland.

You have the opportunity to appear before the Board for a Show Cause Hearing. This limited appearance is intended to provide you with an opportunity to show cause why the Order should not be continued. At a Show Cause Hearing, you have the opportunity either through counsel or in person to address the Board representative(s). If you wish to appear before the Board for a Show Cause Hearing, you must notify the Board, in writing, **within 30 days** of your receipt of this Order. Your request for a Show Cause Hearing must be sent to:

Laurie Sheffield-James, Executive Director
State of Maryland Board of Chiropractic & Massage Therapy
4201 Patterson Avenue
Baltimore, Maryland 21215
Laurie.sheffield-james@maryland.gov
(410) 764-4726; (410) 358-1879 (FAX); and

with copies mailed to:

Laurie Sheffield-James, M.Div., Executive Director • Andrienne Congo, M.S., Deputy Director
4201 Patterson Avenue, Suite 301 - Baltimore, Maryland 21215-2299

Chiropractic website: www.dhmh.maryland.gov/chiropractic • Massage Therapy website: www.dhmh.maryland.gov/massage
Toll Free 1-877-4MD-DHMH • TTY for Disabled - Maryland Relay Service 1-800-735-2258

Gavin A. Otto, RMP
Re: Order for Summary Suspension
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Tracee Orlove Fruman, Assistant Attorney General
Health Occupations Prosecution and Litigation Division
300 West Preston Street, Room 207
Baltimore, Maryland 21201
Tracee.fruman@maryland.gov
(410) 767-1889; (410) 333-5831 (FAX)

and

Grant Gerber, Assistant Attorney General
Office of the Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Grant.gerber@maryland.gov
(410) 767-5469; (410) 333-7894 (FAX).

Because your registration to practice as a registered massage practitioner is suspended, you are urged to retain and be represented by an attorney at all stages of the proceeding. Your attorney must be either admitted to the Maryland bar or specially admitted to practice law in Maryland under Rule 14 of the Rules Governing Admission to the Bar found in Volume II of the Maryland Rules.

Any questions about the Order or the Show Cause Hearing should be directed to Ms. Fruman at (410) 767-1889.

Sincerely,

A handwritten signature in black ink that reads "David Cox" followed by a stylized flourish.

David Cox, L.M.T., Vice President
State of Maryland Board of Chiropractic
& Massage Therapy

Enclosures

cc: John Nugent, Principal Counsel, HOPL
Tracee Orlove Fruman, Assistant Attorney General, Administrative Prosecutor
Grant Gerber, Assistant Attorney General, Board Counsel, DHMH
Desiree D. DeVoe, Paralegal II, HOPL

IN THE MATTER OF * BEFORE THE BOARD OF
GAVIN A. OTTO, RMP * CHIROPRACTIC AND MASSAGE
REGISTRATION No: R00773 * THERAPY EXAMINERS
Respondent * CASE No.: 15-85M

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. II Code Ann. ("S.G. II") §10-226 (c) (2014 Repl. Vol.) and the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 3-5A-01 *et seq.* (2014 Repl. Vol.) the Board of Chiropractic and Massage Therapy Examiners (the "Board") hereby summarily suspends the registration of **GAVIN A. OTTO, RMP, REGISTRATION NUMBER: R00773 (the "Respondent")**, to practice as a registered massage practitioner under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

FINDINGS OF FACT

1. The Respondent is a registered massage practitioner in the State of Maryland under Registration Number R00773. The Respondent was first registered on November 9, 2007. The Respondent's registration is current and is scheduled to expire on October 31, 2016.

2. On or about December 7, 2015, the Board received information that the Respondent was arrested and charged with second degree sex offense and fourth degree sex offense in connection with his employment at a spa ("the spa") in

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

Gaithersburg, Maryland, where the Respondent was employed as a registered massage practitioner.

3. Thereafter the Board initiated an investigation.

4. In furtherance of its investigation, the Board's investigator obtained a copy of the Application for Statement of Charges from the Montgomery County Police Department, Special Investigations Unit ("MCPD").

5. The Application for Statement of Charges states that on or about July 5, 2015, Client A, a female, scheduled a massage with the Respondent at the spa. Client A reported that during the massage, the Respondent "placed his mouth on her vagina and started to perform oral sex upon her." Client A was not wearing any clothing and was covered with a sheet, which the Respondent had moved.

6. A second victim, Client B, a female, reported that on or about November 3, 2015, she scheduled a massage with the Respondent at the spa. Client B reported that during the massage, the Respondent "rubbed her stomach, and then rubbed her vagina with his hand." Client B was not wearing any clothing and was covered with a sheet, which the Respondent had moved.

7. As a result of the allegations made by Client A, the Respondent was charged, in the District Court of Maryland for Montgomery County, with sex offense, second degree, a felony.

8. As a result of the allegations made by Client B, the Respondent was charged, in the District Court of Maryland for Montgomery County, with sex offense, fourth degree-sexual contact, a misdemeanor.

9. The criminal case against the Respondent is pending.

10. Upon inquiry by the Board's investigator, the spa would not comment regarding the Respondent's current employment status.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't II Code Ann. § 10-226(c)(2)(i) (2014 Repl. Vol.).

ORDER

Based on the foregoing, it is this 29th day of December 2015, by a majority vote of a quorum of the Board, hereby:

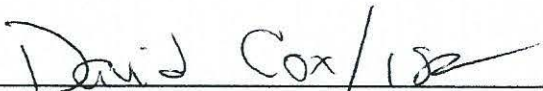
ORDERED that pursuant to the authority vested by Md. State Gov't II Code Ann., § 10-226(c)(2) Registration No. R00773, the Respondent's registration to practice as a registered massage practitioner in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN THIRTY (30) DAYS** of his receipt of this notice. The written request should be made to: Laurie Sheffield-James, Executive Director, Maryland Board of Chiropractic & Massage Therapy Examiners, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, and Grant Gerber, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's registration will remain suspended; and it is further

ORDERED that the Respondent shall immediately turn over to the Board his registration to practice as a registered massage practitioner issued by the Board; and be it further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. General Provisions Code Ann., §§ 4-101 *et seq.* (2014 Repl. Vol.).



David Cox, L.M.T., Vice President
Maryland Board of Chiropractic & Massage
Therapy Examiners