

IN THE MATTER OF

*

BEFORE THE

TEYMURAZ TSAGURIYA

*

MARYLAND STATE BOARD OF

RESPONDENT

*

CHIROPRACTIC EXAMINERS

* * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to Md. Code Ann., Health Occ. (“H.O.”) § 3-315(a), and Maryland Code of Regulations (COMAR) 10.43.02.07, The Maryland State Board of Chiropractic Examiners (the “Board”) hereby renders the following final decision and order:

BACKGROUND

On or about March 25, 2002 the Board voted to summarily suspend the Massage Therapy Certificate of Teymuraz Tsaguriya, (the “Respondent”), when it was learned that on January 7, 2002, he had been convicted of a fourth degree sex offense and of indecent exposure.

Ms. Tsaguriya was served with an Order For Summary Suspension and was notified of his right to appear before the Board to Show Cause why the Board should not continue the summary suspension. Mr. Tsaguriya did not attend a Show Cause hearing which was held on March 4, 2002. At that time the Board issued an Order continuing the Summary Suspension.

On or about April 25, 2002, the Board charged Mr. Tsaguriya with violations of certain provisions of the Massage Therapy Practice Act, (the “Act”), H.O. § 3-5A-01, *et seq.* Specifically, he was charged with violations of the following provisions of § 3-5A-09 of the Act:

- (a) Subject to the hearing provisions of H.O. § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand and certificate

holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate holder or the 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;

A hearing on the merits was held on August 8, 2002, at which time Mr.

Tsaguriya appeared without counsel. (T. 6 4-7). Present were the following Board members, which constituted a quorum: Dr. Jack Murray, Jr., President of the Board, who presided at the hearing, Issie Jenkins, Esquire, Dr. Paula Lawrence, Ivy Harris, Dr. Margaret Renzetti, Dr. Marc Gammerman and Dr. Brian Ashton . Also present were Roberta Gill, Assistant Attorney General/Administrative Prosecutor, Sheryl McDonald, Ms. Gill's assistant, Richard Bloom, Board Counsel, the Respondent, Teymuraz Tsaguriya, Gwendolyn Wheatley, Board Deputy Director and Maria Ware, Board Administrative Specialist.

EXHIBITS

The following exhibits were introduced at the hearing:

STATE'S EXHIBITS

No. 1	Computer Printout
2A	Letter for Summary Suspension
2B	Summary Suspension Order
3A	Letter of Procedure
3B	Charges
3C	Summons
4	Order For Continuing Summary Suspension
5A	Statement of Charges
5B	District Court Display
6	Murphy's Investigative Report

RESPONDENT' EXHIBITS

Respondent's exhibits were admitted as a package without objection.

SYNOPSIS OF CASE

Paul Murphy, the Boards' investigator, testified that on March 15, 2002 he had been informed by the Montgomery County Police Department that on or about September 12, 2001, in the course of a massage, Mr. Tsaguriya touched a patients breasts and exposed himself to her as well.

Mr. Tsaguriya does not deny the allegations and acknowledges that he "broke the boundaries, the professional boundaries with the patient." (T. 7 14-19). Upon conviction he was sentenced to twelve months on each charge. The sentences were suspended and he was placed on probation until January 7, 2003. A condition of probation is that he must attend, for the duration of probation, individual therapy sessions for sex offender treatment.

Mr. Tsaguriya's probation agent referred him to Dr. Ronald Weiner for sex offender assessment and treatment. On January 14, 2002 he began individual treatment sessions with Dr. Weiner. Treatment will continue throughout the course of probation with monthly reports going to the probation agent. Dr. Weiner reports that, Mr. Tsaguriya has come to understand what he did was wrong and that he does not believe Mr. Tsaguriya to be a predatory sexual offender. Nor does he believe that Mr. Tsaguriya ~~to~~ will be a repeat offender.¹

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. That Teymuraz Tsaguriya is a certified as a massage therapist in Maryland.
2. That in January 2002, Mr. Tsaguriya was convicted of a fourth degree sex offense and of indecent exposure, these actions occurring in the course of a massage session with a female patient.
3. That on or about March 25, 2002, Mr. Tsaguriya was summarily suspended from the practice of massage therapy.
4. That as a result of the criminal convictions Mr. Tsaguriya is serving one year of probation, which commenced on January 7, 2002.
5. Conditions of probation include continued individual sex offender treatment through to the conclusion of probation including monthly progress reports.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes, as a matter of law, that Mr. Tsaguryia violated H.O. § 3-5A-09(a)(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.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, this 9th day of Sept., 2002, by the Maryland State Board of Chiropractic Examiners
hereby

¹ See the full text of Dr. Weiner's July 12, 2002 report contained within Respondent's exhibits.

ORDERED that, pursuant to the authority vested in the Board of Chiropractic Examiners by Md. Code Ann., Health Occ. Article, § 3-5A-09, the Respondent shall serve a period of probation terminating on January 7, 2003; and be it further

ORDERED that the Respondent shall authorize Dr. Ronald Weiner to provide the Board with a copy of the monthly progress report, which is prepared for the Respondent's Montgomery County probation agent; and be it further

ORDERED that the Respondent shall authorize Dr. Ronald Weiner to provide the Board with the results of polygraph examinations administered during the course of the probationary period; and be it further

ORDERED that prior to termination of the probationary period, the Respondent must take and pass a jurisprudence examination administered by the Board; and be it further

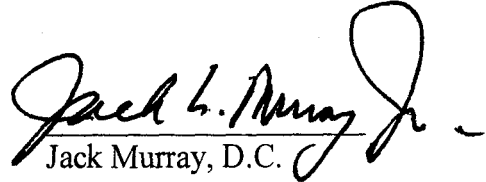
ORDERED that the Respondent may engage, at his own expense, an interpreter, approved by the Board, for the jurisprudence examination; and be it further

ORDERED that the Respondent shall reimburse the Board its hearing costs; and be it further

ORDERED that should the Board receive, in good faith, information that the Respondent has substantially violated the Act or if the respondent violates any conditions of this Order or of probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of conditions of the Order shall be on the Respondent to demonstrate compliance with the Order, and be it further

ORDERED that this document is a public record, pursuant to Md. Code Ann.,
State Gov't Article, § 10-617(h).

SEP 09 2002
Date


Jack Murray, D.C.
Board President

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Code Ann., Health Occ. Article, § 3-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Findings of Fact, Conclusions of Law and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't Article, §§ 10-201 *et seq.*, and Title 7 Chapter 200 of the Maryland Rules.