

IN THE MATTER OF  
YOUNG HWA VELEZ  
APPLICANT

\* BEFORE THE  
\* MARYLAND STATE BOARD OF  
\* 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**

The Applicant's application for massage therapy certification was denied, pursuant to Massage Therapy Practice Act, (the “Act”), H.O. § 3-5A-01, *et seq.*

Specifically:

H.O. § 3-5A-09:

(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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant or for another.
- (20) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

H.O. § 3-5A-05:

(b) To qualify for a certificate, an applicant shall be an individual who:

- (1) Is of good moral character.

The final basis for denial was the Respondent violated COMAR tit. 10, § 43. 17:

.05 Application of Certification.

(2) Provide evidence that the applicant is:

(a) Of good moral character.

A hearing on the merits was held on March 13, 2003. Present were the following Board members, which constituted a quorum: Dr. Jack Murray, Jr., President of the Board, who presided at the hearing, Dr. Paula Lawrence, Dr. Marc Gamerman and Dr. Brian Ashton. Also present were Roberta Gill, Assistant Attorney General/Administrative Prosecutor, Gary Maslan, Esquire, for the respondent who did not attend, and Richard N. Bloom Assistant Attorney General/ Board Counsel. In addition, James J. Vallone, J.D., Board Executive Director, Alice Tayman, Assistant Attorney General, Maria Ware, Board Staff, Sheryl McDonald, Assistant to Ms. Gill and Ms. Gill's mentee, Shaketta Davis a student at Lake Clifton Eastern High School.

**EXHIBITS**

The following exhibits were introduced at the hearing:

**STATE'S EXHIBITS**

No. 1	Application
2	6/11/02 Letter from Gwen Wheatley
3	2/1/02 Letter from Gwen Wheatley
4	8/7/02 fax from Virginia Learning Institute
5	8.28/02 Letter from Gwen Wheatley
6	9/5/02 Letter from Maslan
7A	12/16/02 Letter form Vallone to Applicant
B	Notice of Initial Denial
8	12/23/02 Letter from Maslan to Vallone
9	Murphy Investigative Report
10	Frederick Police Department Report
11	10/15/02 Letter from Wheatley to Maslan
12	6/28/02 Murphy Investigative Report
13	11/26/02 email from Murphy

### **SYNOPSIS OF CASE**

On January 18, 2002 the Board received the Applicant's application for massage therapy certification. Subsequently that application was denied.

The denial was based on a number of factors. First the Applicant failed to disclose a number of criminal convictions. Secondly her professional references were suspect in that one reference provided the Board with a fraudulent transcript from Virginia Learning Institute and the other's application for massage therapy certification had been denied by the Board because she did not attend a school approved by the Board. Finally, the Applicant worked at a place where illicit sexual activity was on going.

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. That Young Hwa Velez failed to disclose criminal convictions.
2. That Ms. Velez's professional references were not acceptable to the Board.
3. That Ms. Velez worked at a place where illicit sexual activity was on going.

### **OPINION**

The Board may use its "experience, technical competence, and specialized knowledge in the evaluation of evidence" in determining whether or not the standards of a profession have been breached. Md. Code Ann., State Gov't § 10-213(i).

The State's testimony is uncontested. The Applicant's application for massage therapy certification was properly initially denied.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact and Opinion, the Board concludes, as a matter of law, that Young Hwa Velez was in violation of H.O. § 3-5A-09(a)(1),(21) and H.O. § 3-5A-05(b)(1). Further the Board finds that Ms. Velez violated COMAR 10.43.17.05(2)(a).

**ORDER**

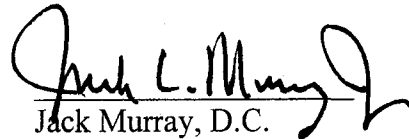
Based on the foregoing Findings of Fact, Opinion and Conclusions of Law, it is, this 28<sup>th</sup> day of April, 2003 by the Maryland State Board of Chiropractic Examiners hereby

**ORDERED** that, pursuant to the authority vested in the Board of Chiropractic Examiners by Md. Code Ann., Health Occ. Article, § 3-5A-09, Young Hwa Velez's application for massage therapy certification is hereby **DENIED**; and be it further

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

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

APR 28 2003  
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, Conclusion s 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.