

IN THE MATTER OF

*

BEFORE THE

YEUN S. YANG

*

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, while in a locked massage room with a male customer, the Applicant undressed down to her underwear and was massaging the customer's genitals, when an officer from the Montgomery County Police Department entered the room. 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 December 7, 2001, the Montgomery County Police Department, Vice and Intelligence Section, were conducting a surveillance of Golden Spa, a purported massage therapy establishment located in Wheaton, Maryland. During that inspection, Detective Stack of the Section found the Applicant in a locked massage room with a male customer.

3. The customer was interviewed and advised the Detective that he had paid another female \$60 and was then taken to a massage room. The customer further informed the Detective that the Applicant entered and got undressed down to her underwear and was rubbing his genitals when the Detective entered the room.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that massaging a customer's genitals, under the guise of providing a therapeutic massage while the customer is naked, is evidence of lack of a good moral character. As a result, the Board concludes that the Applicant violated the Maryland Chiropractors Act (the "Act"), Title 3, Health Occupations Article, Maryland Annotated Code, § 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 Yeun S. Yang is hereby **DENIED**.

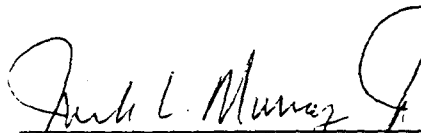
It is further **ORDERED** that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h).

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