

IN THE MATTER OF  
UN SUN BROWN, CMT  
CERTIFICATE NO. M00904

Respondent

\* BEFORE THE  
\* STATE BOARD OF  
\* CHIROPRACTIC EXAMINERS  
\* Case Number: 04-37-M

\* \* \* \* \*

**ORDER OF REVOCATION OF MASSAGE THERAPY CERTIFICATE**

Pursuant to Md. State Govt. Code Ann. ("S.G.") § 10-226(c)(1) (2004 Repl. Vol.) and the Maryland Massage Therapists Act, codified at Md. Health Occ. Code Ann. § 3-5A-01, et seq., ("the Act") (2000 Repl. Vol.), the State Board of Chiropractic Examiners ("the Board") hereby **REVOKES** the massage therapy certificate of Un Sun Brown, CMT, ("the Respondent"), Certificate No. M00904.

**FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S CERTIFICATE**

1. At all times relevant, the Respondent was certified by the Board to practice as massage therapy in the State of Maryland. The Respondent was initially certified on May 19, 2000 and last renewed her certificate on September 17, 2001. The Respondent's certificate expired on October 31, 2004.
2. At all times relevant hereto, the Respondent was employed by the Hot Sun Spa in Waldorf, Maryland in Charles County.
3. On April 3, 2004, the Charles County Police Department executed a search and seizure warrant for Hot Sun for massage establishment violations and prostitution. At that time, several uncertified individuals were arrested for prostitution and massage violations.

4. Also arrested on that date was the Respondent, who was found in a massage room with a male customer. The customer advised that he had come to Hot Sun for a massage and a hand-release. He reported that he had been there before and had received a hand-release from a staff member. He had already paid \$60 for the massage and expected to pay another \$40 for the hand-release.

5. During the search and seizure, Detective Gregory of the Charles County Police Department positively identified the Respondent as the person who had attempted to perform oral sex act on him in exchange for money during an undercover operation at Hot Sun on March 16 or 17, 2004.

6. The Respondent was arrested and charged with prostitution. On November 16, 2004, the Respondent was found guilty.

7. On the application for certification submitted by the Respondent, she marked "no" for "d.", which asks [h]ave you pled guilty, nolo contendor (sic), or been convicted of or received probation before judgement of any criminal act (excluding traffic violations)?" The Respondent answered falsely in that she had criminal convictions for prostitution in Georgia and Texas. Thus, the Respondent obtained her certification by fraud and her certificate is void *ab initio*.

8. On September 21, 2004, the Board issued a subpoena to the Respondent to testify about the aforesaid arrest and about her arrest history in Georgia and Texas. Although the subpoena was signed for, the Respondent failed to appear at the Board's offices on October 26, 2004, as directed to.

9. As set forth above, the Respondent violated the Act and regulations thereunder.

## CONCLUSION OF LAW

The Board finds that the Respondent violated § 3-5A-09:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant or for another;
- (2) Fraudulently or deceptively uses a certificate or registration;
- (3) Is disciplined by a licensing, certifying, or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (19) Fails to cooperate with a lawful investigation conducted by the Board;
- (20) Engages in conduct that violates the professional code of ethics; or
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

The Board further charges the Respondent with a violation of its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000). Specifically the Board charges the Respondent with violating the following subsections:

.05 Professional Boundaries, thereof:

A. A certificate holder or registration holder shall:

(1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and

(2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

B. A certificate holder or registration holder may not:

(1) Exploit a relationship with a client for the certificate holder's or registration holder's personal advantage,

including, but not limited to, a personal, sexual, romantic, or financial relationship;

(2) Engage in a sexually intimate act with a client; or

(3) Engage in sexual misconduct that includes, but is not limited to:

(a) Therapeutic deception,

(b) Non bona fide treatment, or

(c) A sexually exploitative relationship.

### ORDER

Based on the foregoing Facts that Warrant Revocation of the Respondent's Certification and Conclusion of Law, by a unanimous vote of a quorum of the Board present, it is hereby

**ORDERED** on this 31 day of May 2005, that the Respondent's certificate as a Certified Massage Therapist in the State of Maryland be and is hereby **REVOKED**; and be it further

**ORDERED** that this is a final Order of the Maryland Board, and as such is a public document pursuant to the Maryland Public Information Act, codified at State Govt. Code Ann. § 10-611, *et seq.*, (2004 Repl. Vol.).



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E. Brian Ashton, D.C., P.T., President  
State Board of Chiropractic Examiners

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 3-316, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty days of your receipt of this executed Order, and shall be made as provided for judicial review of a final decision in the APA, codified at State Govt. Code Ann. § 10-201, *et seq.*, (2004 Repl. Vol.).