

IN THE MATTER OF
CARL ERIC NELSON
APPLICANT

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BEFORE THE STATE
BOARD OF CHIROPRACTIC
AND MASSAGE THERAPY
EXAMINERS

CASE NUMBER: 13-68M

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**FINAL ORDER OF DENIAL OF DENY APPLICATION FOR REGISTRATION TO
PRACTICE NON-THERAPEUTIC MASSAGE THERAPY**

The State Board of Chiropractic Examiners and Massage Therapy Examiners ("the Board") notified Carl Eric Nelson, (the "Applicant"), D.O.B. 4/11/1981, of the Board's intent to deny his application for registration to practice non-therapeutic massage, under the Chiropractic and Massage Therapy Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 *et seq.* (2009 Repl. Vol.). The applicable provisions state:

H.O. §3-5A-06. Qualification for license and registration.

- (b) To qualify for registration, an applicant shall be an individual who:
 - (1) Is of good moral character;

H.O. § 3-5A-11. Denials; suspensions; revocations.

(a) *Denial or certification or registration.*-Subject to the hearing provisions of § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder if the applicant, certificate holder, or registration holder:

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

FINDINGS OF FACT

The Board finds that:

1. On or about October 1, 2013, the Board received the Applicant's Application for Registration to practice non-therapeutic massage in the State of Maryland.
2. On his Application for Registration to practice non-therapeutic massage ("Application for Registration"), the Applicant answered "yes" to the following question:
 - D. "Have you ever appeared in court, been arrested, or entered a plea of guilty, no contest, nolo contendere or been convicted of a crime or received probation before judgment in any jurisdiction of a crime other than a minor traffic violation?"
3. The Applicant also provided a written statement with his Application for Registration to explain his "yes" answer to question D.
4. In his written statement, the Applicant listed his guilty pleas and convictions as set forth herein.
5. On or about November 18, 2004, the Applicant was found guilty, following a jury trial in the Superior Court of the District Columbia of one (1) count of carrying a pistol without a license outside a home/business and one (1) count of possession of an unregistered firearm. The Applicant was placed on supervised probation. His probation ended on February 9, 2010
6. On or about January 20, 2009, the Applicant was indicted by the Grand Jury, sitting in Charles County, Maryland with one (1) count of possession with intent to

distribute cocaine; one (1) count of possession of cocaine; one (1) count of possession with intent to distribute methylenedioxymethamphetamine; one (1) count of possession of methylenedioxymethamphetamine; one (1) count of possession with intent to distributed marijuana; one (2) count of possession of marijuana; two (2) counts of possession of equipment to produce, sell dispense a controlled dangerous substance;

7. On or about June 17, 2009, the Applicant was found guilty following a bench trial to all counts in the indictment.
8. On or about August 27, 2009, the Applicant was sentenced to two (2) years in jail.
9. On or about March 22, 2010, the Applicant pled guilty to one (1) count of distribution of cocaine, in the Circuit Court for Charles County, Maryland.
10. On March 22, 2010, the Applicant was sentence to a period of twenty (20) years in jail, with all but three (3) years suspended. The Applicant was also placed on supervised probation for five (5) years. The Applicant was paroled on March 3, 2011.¹
11. The Applicant did not provide the Board with a written explanation of his February 2002 guilty plea to possession of marijuana in the District Court of Maryland for St. Mary's County, Maryland.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant

¹ This sentence ran concurrent to the sentence that Applicant received in August 2009.

fails to meet the qualifications for a registration to practice non-therapeutic massage as set forth in § H.O 3-5A-06 (b) and § H.O. 3-5A-11 (4).

ORDER

Based on the foregoing findings of fact and conclusions of law, it on is this day, April 30th of 2014 that the majority of the Board hereby:

ORDERED that the Applicant's Application for Registration to practice non-therapeutic massage is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.).

4-30-2014
Date

Michael Fedorczyk
Michael Fedorczyk, DC President
State Board of Chiropractic and
Massage Therapy Examiners