

IN THE MATTER OF

HWA IM YI

APPLICANT

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS
* CASE NUMBER: 05-07-M

* * * * *

**ORDER OF DENIAL OF APPLICATION FOR CERTIFICATE TO PRACTICE
MASSAGE THERAPY**

The State Board of Chiropractic Examiners ("the Board") notified Hwa Im Yi, ("the Applicant"), D.O.B. 06/28/59, of the Board's intent to deny her application for certification/registration to practice massage therapy under the Maryland Chiropractic ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 *et seq.* (2005 Repl. Vol. and 2006 Suppl.). The pertinent provisions state:

§ 3-5A-05. Requirements for certification and registration.

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

(1) Is of good moral character.

§ 3-5A-09. Denials; suspensions; revocations.

(a) 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:

(20) Engages in conduct that violates the professional code of ethic; or

(21) Knowingly does an act that has been determined by the Board to be a violation of the Boards regulations.

Code Md. Regs. tit. 10, § 43.18.03

D. A certificate holder or registration holder may not:

(1) Misrepresent professional credentials, qualifications, education, or affiliations;

(2) Knowingly engage in or condone behavior that:

(a) Is fraudulent,

(b) Is dishonest,

(c) Is deceitful, or

(d) Involves moral turpitude;

FINDINGS OF FACT

The Board finds that:

1. In February 2005, the Board received the Applicant's application for certification/registration to practice massage therapy in the State of Maryland (a copy of the Applicant's application dated February 11, 2005, is attached hereto and incorporated herein as **Exhibit A**).

2. An investigation by the Board revealed the following:

3. On or about November 1, 2001, the Applicant submitted an application for a certificate/registration to practice massage therapy in the State of Maryland.

4. The Board informed the Applicant that her 2001 application could not be considered because she had not attended a Board approved educational program.

5. The Board informed the Applicant that she must meet the educational qualifications by either attending a Board approved educational program or submitting

documentation that she had applied for or passed the national certification board for therapeutic massage and bodywork examination.

6. On her 2001 application, the Applicant provided a signed statement indicating that she had been employed as a part-time massage therapist at VIP located in Rockville, Maryland since June 1998.

7. The Applicant also indicated on her 2001 application that she performed approximately 60 hours of paid massage therapy sessions per month while working at VIP.

8. On or about January 4, 2001 Montgomery County Police, Vice and Intelligence Section ("MCP") conducted a surveillance of VIP massage parlor, after receiving information that VIP was operating as a house of prostitution.

9. During the surveillance, MCP detectives observed a patron enter VIP. Upon leaving VIP, the patron was interviewed by MCP detectives.

10. The patron (herein after "Patron A") gave MCP detectives the following account of what occurred while he was at VIP:

11. Upon arriving at VIP, Patron A was greeted by the Applicant and taken to a massage room.

12. Patron A gave the Applicant one hundred dollars (\$100). The Applicant told Patron A to get undress.

13. When Patron A was naked, the Applicant gave him a table shower and back massage.

14. After she finished the table shower and back massage, the Applicant put lotion on Patron A's penis. The Applicant massaged Patron A's penis until he ejaculated into a tissue held by the Applicant.

15. Patron A gave the Applicant an additional twenty dollars (\$20) before he left VIP.

16. After speaking with Patron A, MCP detectives went into VIP and found a woman that matched the description given by Patron A. The woman was later identified as the Applicant.

17. The Applicant was arrested by MCP detectives and charged with two counts of prostitution.

18. On her 2005 application for certification/registration, the Applicant answered "No" to the question "Have you ever been arrested or pled guilty, no contest, nolo contendere or been convicted of crime, received probation before judgment (other than a minor traffic violation)?"

19. The allegations as set forth in paragraphs (6 through 18) indicate that the Applicant lacks good moral character and the allegations set forth in paragraphs (6 through 18) constitute grounds for denial of the Applicant's application for certification/registration to practice massage therapy H.O. § 3-5A-05 (b) (1).

20. The allegations set forth in paragraphs (6 through 18) are grounds for discipline in Maryland and constitute grounds for denial of the Applicant's application for certification/registration to practice massage therapy under H.O. § 3-5A-09 (a) (20) and (21) and Code Md. Regs. tit. 10, § 43.18.03.03 D (1) and (2).

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that the Applicant's lacks good moral character and, therefore, fails to meet the qualifications for licensure under Md. Health Occ. Code Ann § 3-5A-05 (b) (1). The Board also concludes that the Applicant conduct as set forth in the findings of fact, is a violation of H.O. § 3-5A-09 (a) (20) and (21); and, Code Md. Regs. tit. 10, § 43.18.03 D (1), (2) (a), (b), (c) and (d).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, on
JAN 03 2007 the majority of the Board hereby:

ORDERED that the application of Hwa Im Yi, to practice massage therapy is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol. and 2005 Supp.), 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 be it further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2004 Repl. Vol. and 2005 Supp.).

JAN 03 2007

Date

Marc M. Gamerman

Marc M. Gamerman, President
Board of Chiropractic Examiners