

IN THE MATTER OF * **BEFORE THE MARYLAND**
ANDREY GAYEVSKIY * **STATE BOARD OF MASSAGE**
RESPONDENT * **THERAPY EXAMINERS**
REGISTRATION NO.: R00470 * **CASE NO: 21-23M**

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Massage Therapy Examiners (the “Board”) hereby **SUMMARILY SUSPENDS** the registration of **ANDREY GAYEVSKIY** (the “Respondent”), Registration Number **R00470**, to practice massage therapy in the State of Maryland.

The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2021 Repl. Vol.), concluding that the public health, safety, or welfare imperatively requires emergency action.¹

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by, and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true.

¹ The statements regarding the Respondent’s conduct are only intended to provide the Respondent with notice of the basis for the Board’s action. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.² The Establishment, the Complainant, and Client A are not identified in this document for privacy reasons. This information will be provided to the Respondent upon request to the Administrative Prosecutor.

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland.

2. The Respondent was originally issued a registration to practice massage therapy in Maryland on or about March 14, 2006. The Respondent's registration expires on or about October 31, 2022.

3. At all times relevant hereto, the Respondent was employed at an establishment (the "Establishment") that provided massage therapy and other spa services. The Establishment is located in Baltimore County, Maryland.²

4. On or about October 29, 2021, the Board received a complaint from the owner of the Establishment regarding the Respondent's conduct during a massage therapy session with a client ("Client A").

5. An investigation conducted by Board staff revealed the following:

6. On or about May 22, 2021, Client A went to Establishment for a massage. The Respondent was assigned as Client A's massage therapist.

7. During the massage therapy session, the Respondent began massaging Client A's shoulder and then proceeded to place his hand between Client A's breasts. The Respondent proceeded to tell Client A that she had a "beautiful body" and asked Client A if she like the way his hands felt. The Respondent told Client A that she looked sad and asked her if there was anyone in her life that was jealous of her. When Client A moved to

² The Establishment, the Complainant, and Client A are not identified in this document for privacy reasons. This information will be provided to the Respondent upon request to the Administrative Prosecutor.

her side, the Respondent placed Client A's leg on his shoulder/neck area. The Respondent then ran his finger down the front of Client A's vaginal area.

8. At the end of the therapy session while she was still lying on the massage therapy table, the Respondent sat on the table next to Client A and told her that he was her "friend". Before leaving the room, the Respondent kissed Client A on the top of her head.

9. On or about May 30, 2021, Client A reported the Respondent's conducted to the Baltimore County Police Department ("BCP"). The Respondent was subsequently charged by the BCP with Sex Offense in the Fourth Degree-Sex Contact and Second-Degree Assault.

10. On or about October 4, 2021, the Respondent was found guilty following a trial, in the District Court for Baltimore, Maryland to Sex Offense in the Fourth Degree-Sex Contact and Second-Degree Assault.

11. The Respondent was sentenced to thirty (30) days in jail for Sex Offense in the Fourth Degree-Sex Contact. He received a six (6) month suspended sentence for Second-Degree Assault. The Respondent was also placed on supervised probation for a period of One (1) year.³

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226(c) (2) (2021 Repl. Vol.).

³ The Respondent filed an appeal to the Circuit Court for Baltimore.

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, on this 3rd day of March 2022, by a majority of the quorum of the Board, it is hereby

ORDERED that the registration issued to the Respondent to practice as a registered massage therapist in the State of Maryland under registration number: R00470 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing massage therapy in the State of Maryland; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing for a determination of whether the Summary Suspension should be continued. A request for a post-deprivation show cause hearing must be made in writing to the Board and be made **WITHIN THIRTY (30) CALENDAR DAYS** of the date of this Order; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear before the Board when the hearing is scheduled, the Respondent's registration shall remain **SUSPENDED**; and it is further

ORDERED that the Respondent shall immediately return all licenses (wall and wallet sized) to the Board; and it is further

ORDERED that this Order for Summary Suspension is a public document, as defined in Md. Code Ann., General Provision §§ 4-101 *et seq.* & § 4-333 (2019 Rep. Vol. & 2021 Supp.).

03/03/2022
Date

Sharon Oliver
Sharon J. Oliver, MBA
Executive Director
Maryland State Board of
Massage Therapy Examiners