IN THE MATTER OF	*	**BEFORE THE**
HABIBOLLAH JADIDI, RMP	*	**MARYLAND STATE**
Respondent	*	**BOARD OF MASSAGE**
	*	**THERAPY EXAMINERS**
Registration Number: R02346	*	**Case Number: 17-26M**

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FINAL ORDER

On the **28th** day of **September, 2021**, the Maryland State Board of Massage Therapy Examiners (the "Board") notified **HABIBOLLAH JADIDI, RMP** (Registered Massage Practitioner) (the "Respondent"), Registration Number R02346, of its intent to **REVOKE** the Respondent's registration to practice massage therapy pursuant to the Maryland Massage Therapy Act (the "Act"), Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2014 Repl. Vol & 2020 Supp).

The Board based its action on the Respondent's violation of the following provisions of the Act under Health Occ. § 6-308 and COMAR:

> (a) *In general; grounds.* -- Subject to the hearing provision of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a licensee or the registration of a registration holder if the applicant, licensee, or registration holder:
>
> ...
>
> (8) Does an act that is inconsistent with generally accepted standards in the practice of massage therapy;
>
> (9) Is negligent in the practice of massage therapy;
>
> ...

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

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

The violations of the professional code of ethics and Board regulations include:

COMAR. 10.65.03.02. Definitions.

...

B. Terms defined.

...

(2) "Non bona fide treatment" means when a license holder or registration holder treats or examines a client in a way that involves sexual contact, but there is no therapeutic reason for the procedure, or the procedure falls outside of reasonable massage therapy.

...

(4) "Sexually exploitative relationship" means when sexual contact occurs in an existing therapeutic relationship between the massage therapist and the client ...[.]

COMAR 10.65.03.03. Standards of Practice.

...

C. A license holder or registration holder shall:

...

(5) At all times respect the client's dignity, autonomy, and privacy[.]

COMAR 10.65.03.05. Professional Boundaries.

A. A license holder or registration holder shall:

(1) Maintain professional boundaries, even when the client, staff member, or student initiates crossing the professional boundaries of the professional relationship;

...

B. A license holder or registration holder may not:

(1) Exploit a relationship with a client...for the license 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;
(3) Engage in sexual misconduct that includes, but is not limited to:

...

(b) Non bona fide treatment; or
(c) A sexually exploitative relationship.

FINDINGS OF FACT

The Board bases its action on the following facts that the Board has reason to believe are true:

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered as a RMP in Maryland on November 3, 2015, under Registration Number R02346.

2. The Board summarily suspended the Respondent's license to practice massage therapy on April 2, 2018, based on investigative findings as set forth in pertinent part below. The Respondent did not request a hearing and did not contest the Findings.

3. At all times relevant hereto, the Respondent worked as a RMP at a facility[1] (the "Facility") in Rockville, Maryland,

4. On or about June 25, 2016, the Board received a complaint from the director of the Facility stating that the Respondent was the subject of a criminal investigation based

[1] For confidentiality reasons, the names of all massage facilities, clients or other individuals referenced in this document will not be identified by name. The Respondent may obtain the identity of any facility, client or individual referenced herein by contacting the assigned administrative prosecutor.

on communications with a detective from the Montgomery County Police Department. The complaint stated that the police had informed the Facility that the Respondent was under investigation based on a complaint from a woman ("Client A") who had received a massage from the Respondent at the Facility. The detective did not share any details of the criminal conduct or identify the alleged victim.

5. On or about January 2, 2018, the Board received notification that the Respondent had been arrested and charged with committing criminal offenses against Client A. Client A reported to the police that the Respondent sexually assaulted her during a massage on June 12, 2016.

6. The Montgomery County Police Department investigated Client A's claims and filed an Application for Statement of Charges on December 7, 2016 that included the following information:

> On June 12, 2016, [Client A] . . . arranged for a massage at the [Facility]. [Client A] advised that her masseuse was Jadidi. During the course of the massage, [Client A] was nude underneath a sheet, common practice for a massage. Towards the end of the massag[e] Jadidi was massaging [Client A]'s leg. With his right hand, Jadidi inserted his fingers inside of [Client A]'s vagina. [Client A] described the digital penetration as "Not accidental. I felt like I was at the gynecologist, that's how far up he went". Jadidi placed his left hand on [Client A]'s breast. [Client A] advised that she does not believe that the touching of her breast was accidental.
>
> When Jadidi placed his fingers inside of [Client A]'s vagina, [Client A] advised that she froze. [Client A] advised that she was completely shocked and taken by surprise and didn't know how to react. [Client A] advised that she was worried that if she reacted, the situation might be worse. [Client A] was nude under the sheet and didn't feel as though she had a means to get away or protect herself.
>
> Jadidi placed his business card in [Client A]'s purse and told her that

he made "home visits".

7. On or about December 14, 2017, the Respondent was charged in the District Court for Montgomery County, Maryland, with the following criminal offenses: Sexual Offense Fourth Degree-Sexual Contact, in violation of Crim. Law § 3-308(b)(1)[2]; and Assault Second Degree in violation of Crim. Law § 3-203[3]. The Respondent agreed in principle to pled guilty to Assault in the Second Degree in violation of Crim. Law § 3-203. The Respondent failed to appear at the next scheduled court hearing. An arrest warrant was issued against the Respondent on December 7, 2016. The Respondent has not appeared in court since the arrest warrant was issued and has not yet been apprehended.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Code Ann., Health Occ. § 6-308(a)(8), (9), (20), (21), COMAR 10.65.03.02, COMAR 10.65.03.03 and/or COMAR 10.65.03.05.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of the Board considering this case:

ORDERED that the Respondent Habibollah Jadidi's registration to practice massage therapy in the State of Maryland under Registration Number R02346 is hereby **REVOKED**; and it is further

[2] Md. Code Ann., Crim. Law § 3-308(b)(1) provides: "A person may not engage in sexual contact with another without the consent of the other[.]"
[3] Md. Code Ann., Crim. Law § 3-203 provides: "A person may not commit an assault."

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

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2020).

12/22/2021
Date

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

IN THE MATTER OF	*	**BEFORE THE**
HABIBOLLAH JADIDI, RMP	*	**MARYLAND STATE BOARD**
Registration No. R02346	*	**OF MASSAGE THERAPY EXAMINERS**
	*	**Case No. 17-26M**

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ORDER OF TERMINATION OF SUMMARY SUSPENSION

Pursuant to Maryland Code Ann., State Gov't § 10-226(c), on or about April 2, 2018, the Maryland State Board of Massage Therapy Examiners (the "Board") executed an "Order for Summary Suspension of Registration to Practice Massage Therapy" ("Summary Suspension Order"), which summarily suspended the registration of Habibollah Jadidi (the "Respondent") to practice as a registered massage practitioner in the State of Maryland. The summary suspension of the Respondent's registration was based on the conclusion by the Board that the public health, safety, or welfare imperatively required emergency action. The Summary Suspension Order was sent to the Respondent at his address of record with the Board both by certified mail (No. 7014 0150 0000 0254 8711) and by first-class mail. The cover letter that accompanied the Summary Suspension Order advised the Respondent that he had the opportunity to request a post-deprivation hearing before the Board to show cause why the Summary Suspension Order should not be continued. The cover letter advised that the Respondent make his hearing request within 10 days of service of the Summary Suspension Order. To date, the Respondent has failed to request a show cause hearing.

Subsequently, on or about September 28, 2021, the Board sent to the Respondent a "Notice of Intent to Revoke Massage Therapy Registration" ("Notice"), which charged the Respondent with several violations of the Maryland Massage Therapy Act and notified the Respondent that the Board intended to revoke his registration based on those charges. The Notice was accompanied by an unexecuted Final Order of Revocation. The Notice itself stated that the Respondent had an

opportunity for a hearing on the Board's charges against him, but that, if the Respondent failed to request a hearing within 30 days of the service of the Notice, the Board would execute the attached Final Order of Revocation. This information was also set forth in the Board's cover letter to the Notice. The Notice, the cover letter, and the unexecuted Final Order of Revocation were sent to the Respondent at his address of record with the Board by both certified mail (No. 7019 0160 0000 6673 9270) and first-class mail. To date, the Respondent has failed to request a hearing.

Because the Respondent failed to request a hearing, on December 22, 2021, the Board executed the Final Order of Revocation, revoking the Respondent's registration to practice as a Registered Massage Practitioner. Accordingly, the Summary Suspension Order is superseded by function of the revocation of the Respondent's registration. As such, the Board is terminating the summary suspension of the Respondent's registration at this time.

Wherefore, it is hereby:

ORDERED that the "Order for Summary Suspension of Registration to Practice Massage Therapy," dated April 2, 2018, is hereby **TERMINATED**; and it is further

ORDERED that this is a Final Decision and Order of the Maryland State Board of Massage Therapy Examiners and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.*

12/22/2021
Date

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