

Victor Mendoza-Gonzalez
3921 7th Street, NW
Apt. 2
Washington, DC 20011

June 13, 2019

Paula Jilanis, LMT, Chair
Maryland State Board of Massage Therapy Examiners
4201 Patterson Avenue, 3rd Floor
Baltimore, MD 21215-2299

Re: Permanent Surrender of Registration to Practice
Massage Therapy
Victor Mendoza-Gonzalez
Registration Number: R01530
Case Numbers: 17-20M

Dear Mr. Cox and Members of the Board,

Please be advised that, pursuant to Md. Code Ann., Health Occ. § 6-307 (2014 Repl. Vol. & 2017 Supp.), I have decided to permanently **SURRENDER** my registration to practice massage therapy in the State of Maryland, Registration Number R01530, effective immediately. I understand that upon surrender of my registration, I may not practice massage therapy on any individual, with or without compensation or otherwise engage in the practice of massage therapy in the State of Maryland as it is defined in the Maryland Massage Therapy Act (the "Act"), Health Occ. §§ 6-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Permanent Letter of Surrender, I understand that the surrender of my registration means that I am in the same position as an unregistered individual in the State of Maryland.

I understand that this Permanent Letter of Surrender is a **PUBLIC DOCUMENT**, and upon the Maryland State Board of Massage Therapy Examiners' ("the Board's") acceptance, becomes a **FINAL ORDER** of the Board.

I acknowledge that on or about March 8, 2017, the Board received a complaint from my former client ("Client A") who alleged that on or about December 26, 2015 and February 13, 2016, I touched her in a sexual manner during a scheduled massage. On or about May 4, 2017, the Board received a complaint from a former client ("Client B") who alleged that on March 20, 2017, I sexually assaulted her during a scheduled massage.

On or about December 14, 2017, I was charged in the Circuit Court for Montgomery County, Maryland, with the following criminal offenses related to Client B: Sexual Offense Second Degree (a felony), in violation of Md. Code Ann., Crim. Law § 3-306; Sexual Offense Fourth Degree-Sexual Contact (a misdemeanor), in violation of Crim.

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Law § 3-308(b)(1); and Assault Second Degree (a misdemeanor) in violation of Crim. Law § 3-203.

The Board initiated an investigation into the allegations. Based on its investigation, on June 9, 2017, the Board entered an Order for Summary Suspension of my registration to practice massage therapy in the State of Maryland. A copy of the Order for Summary Suspension is attached hereto and incorporated herein as Exhibit 1.

On June 6, 2018, I pled guilty in the Circuit Court for Montgomery County, Maryland to one count of "Sexual Offense in the Fourth Degree-Sexual Contact" in violation of Md. Code Ann., Crim. Law § 3-308(b)(1) related to client B. The Circuit Court imposed a sentence of six months incarceration with all but 30 days suspended and five years of supervised probation. I deny any wrongdoing as it relates to client A.

I have decided to permanently surrender my registration to practice massage therapy in the State of Maryland to avoid further investigation and prosecution of these complaints. I recognize that for all purposes relevant to registration or licensure that these allegations shall be treated as proven and that these allegations support a conclusion that I violated Health Occ. § 6-308(a)(2) (Fraudulently or deceptively uses a ... registration); (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); (8) (Does an act that is inconsistent with generally accepted standards in the practice of massage therapy); (20) (Engages in conduct that violates the professional code of ethics); and (21) (Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations).

In addition, the allegations support a conclusion that I violated the following regulations of the Board: COMAR 10.65.03.02 B. (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), and (4) ("Sexually exploitative relationship" means when sexual contact occurs in an existing therapeutic relationship between the massage therapist and the client); COMAR 10.65.03.03C A license holder or registration holder shall: (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness; (5) At all times respect the client's dignity, autonomy, and privacy); (6) Practice massage therapy only as defined in the scope of practice set out in Health Occupations Article, §6-101, Annotated Code of Maryland; COMAR 10.65.03.05 (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

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misconduct that includes, but is not limited to (b) Non bona fide treatment; or (c) A sexually exploitative relationship.)

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Permanent Letter of Surrender to avoid appealing the summary suspension and to avoid the issuance of disciplinary charges and prosecution. I acknowledge that for all purposes related to massage therapy licensure, the charges will be treated as if proven.

I understand that by executing this Permanent Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to challenge the summary suspension as well as my right to contest any disciplinary charges that would issue from the Board's investigation. I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I acknowledge that on or before the effective date of this Permanent Letter of Surrender I shall present to the Board my Maryland massage therapy license, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise the Federation of State Massage Therapy Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Permanent Letter of Surrender. I also understand that in the event I would apply for registration or licensure in any form in any other state or jurisdiction that this Permanent Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2016 Supp.), and that this Permanent Letter of Surrender constitutes a disciplinary action by the Board.

I further recognize and agree that by submitting this Permanent Letter of Surrender, my registration will remain permanently surrendered. In other words, I agree that I have no right to reapply and will not reapply for a registration to practice massage therapy in the State of Maryland.

I acknowledge that I may not rescind this Permanent Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before the Board, including the right to consult with an attorney prior to signing this Permanent Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter permanently surrendering my registration to practice massage therapy in Maryland. I understand both the nature of the Boards' actions and this Permanent Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Permanent Letter of Surrender. I make this decision knowingly and voluntarily.

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Very truly yours,




Victor Mendoza-Gonzalez

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 24 day of June, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Victor Mendoza-Gonzalez, and declared and affirmed under the penalties of perjury that the signing of this Permanent Letter of Surrender was their voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public Amy Jenkins

My commission expires: 6/17/21



ACCEPTANCE

On behalf of the Board of Examiners of Massage Therapists, on this 2nd day of July, 2019, I, Adrienne Congo, accept Victor Mendoza-Gonzalez's **PUBLIC SURRENDER** of his registration to practice massage therapy in the State of Maryland.



Adrienne Congo, BFA, MS
Acting Executive Director
Maryland State Board of Massage Therapy Examiners