



STATE OF MARYLAND

DHMH

MD Board of Chiropractic & Massage Therapy Examiners

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Suite 301 • Baltimore, Maryland 21215-2299

Chiropractic: 410-764-4726 • Massage Therapy: 410-764-4738 • Fax: 410-358-1879

Larry Hogan, Governor - Boyd Rutherford, Lt. Governor - Van Mitchell, Secretary

1-29-2016

Sent via Regular & Certified Mail.

Item Number---70131090000039363094

Jeng Suk Lee
4561 Bell Blvd
Bayside, N.Y. 11361

Re: Final Order of Denial

Dear Ms. Jeng Lee.

On 12-20-2015, the Board notified you of its intent to deny your application for massage therapy registration and informed you that you had 30 days from the date of receipt of the Notice to request a hearing in writing. More than 30 days has elapsed, and no request has been received. Therefore, the enclosed final order of denial is in effect.

Sincerely,

Jonathan Nou, D.C. President
Board of Chiropractic & Massage Therapy
Examiners.

Enclosure (copy to all ccs)

CC: Laurie Sheffield-James, Executive Director
John Nugent, Principal Counsel
Grant Gerber, Assistant Attorney General
Board Counsel
Debra Smith, Assistant Attorney General
Administrative Prosecutor
Gloria T. Brown, Administrative Officer
Adrienne Congo, Deputy Director

Laurie Sheffield-James, M.Div., Executive Director • Adrienne Congo, M.S., Deputy Director
4201 Patterson Avenue. Suite 301 - Baltimore, Maryland 21215-2299

Chiropractic website: www.dhmv.maryland.gov/chiropractic • Massage Therapy website: www.dhmv.maryland.gov/massage
Toll Free 1-877-4MD-DHMH • TTY for Disabled - Maryland Relay Service 1-800-735-2258

IN THE MATTER OF
JENG SUK LEE,

RESPONDENT

* BEFORE THE MARYLAND
* BOARD OF CHIROPRACTIC
* AND MASSAGE THERAPY
* EXAMINERS

CASE NUMBER: 15-06M

* * * * *

FINAL ORDER

On or about December 26, 2014, Jeng Suk Lee (the “Respondent”) submitted an Application for Licensure as a massage therapist (the “Application”) to the Maryland State Board of Chiropractic and Massage Therapy Examiners (the “Board”) Subsequently, the Board notified the Respondent of the Board’s Initial Denial of her Application for Licensure or Registration To Practice Massage Therapy under the Maryland Chiropractic Act (the “Act”), Md. Health Occ. I, Code Ann. (“H. O.”) §3-101 *et seq.* (2014 Repl. Vol. and 2015 Supp.).

Specifically, the Board based its action on the following provisions of the Act:

H.O. §3-5A-06 Qualification for Licensure or Registration

(a) Qualification for license.—To qualify for a license, an individual shall be an individual who:

- (1) Is of good moral character.

H.O. §3-5A-10 Denials; Suspensions; Revocations

(a) *Denial of license or registration-* Subject to the hearing provisions of § 3–315 of this title, the Board may deny a license or registration to any applicant, reprimand any 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:

(1) fraudulently or deceptively obtains or attempt to obtain a license or registration for the applicant or for another;

(3) Is disciplined by a licensing, certifying, or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section[.]

(19) Violates any rule or regulation adopted by the Board;

(21) Commits an act of unprofessional conduct in the practice of chiropractic; [and]

Code of Md. Reg. (COMAR) Tit. 10.43.18

.08 Ethical, Legal, and Professional Responsibilities of Massage Therapist and Practitioners.

A license holder or registration holder may not construe a failure to specify a particular ethical, legal, or professional duty in this chapter as a denial of the existence of other ethical, legal, or professional duties or responsibilities that are equally as important and as generally recognized in the profession.

FINDINGS OF FACT

1. On or about December 26, 2014, the Respondent submitted an Application for Licensure as a massage therapist in the State of Maryland.

2. On Section C of the Application, which asks “have you ever had a license, certificate, or registration [to practice massage therapy] revoked, suspended, cancelled, or investigated,” the Respondent answered, “No.”

3. The Board's background investigation revealed that the Respondent was licensed to practice Massage and Bodywork Therapy in the State of New Jersey under license number 18KTOO385300.

4. In an order dated July 26, 2013, the New Jersey State Board of Massage and Body work Therapy (the "New Jersey Board") suspended the Respondent's license for her failure to cooperate with the New Jersey Board's disciplinary investigation of her license. The Order is attached hereto as Exhibit A.

5. According to the Order, the Respondent failed to respond to letters from the Board requesting that she provide information about her arrest on July, 5, 2012, on charges of promoting prostitution.

6. The Respondent failed to provide the New Jersey Board with an adequate explanation for the arrest; the status of the arrest; copies of police report; and/or the summons and complaint as requested by the New Jersey Board.

7. The New Jersey Board concluded that the Respondent's failure to provide an adequate response to the Board's inquiries constituted a failure to cooperate with a Board investigation within the intent of N.J.A.C. 13:45C-1.2, 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

8. The New Jersey Board issued a Provisional Order dated March 19, 2013, suspending Respondent's license to practice massage and bodywork therapy, and imposing a civil fine. {Attached hereto as Exhibit A}

9. The Respondent failed to request a modification of the Order within the applicable time period, and on July 26, 2013, the New Jersey Board issued a Final Order of Discipline suspending the Respondent's license to practice massage and

bodywork therapy until she has fully responded to the Board's original inquiry, and imposing a \$250.00 civil fine.

10. The Maryland Board issued a Subpoena Ad Testificandum to the Respondent at her address of record, requiring the Respondent to appear at the Board on February 1, 2015, for an interview regarding her application. The Respondent did not respond to the request and did not appear.

CONCLUSIONS OF LAW

Based on the Foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's Application should be denied for the following reasons:

11. The Respondent failed to truthfully disclose a prior disciplinary proceeding on her application for licensure in Maryland, which constitutes an attempt to fraudulently or deceptively attempt to obtain a license, and the Respondent was disciplined by a licensing Board of another State for a violation that would be grounds for disciplinary action under the Act, violations of H.O. §3-5A-10 (a) (1) and (3).

12. The Respondent lacks good moral character as required by H.O. §3-5A-06 (a) (1).

ORDER


Based on the foregoing Findings of Fact and Conclusions of law, it is this 28 day of January, 2016 by a majority of the Board considering this case:

ORDERED that the Applicant's Application to be licensed as a massage therapist in the State of Maryland is hereby **DENIED**; and it is further;

ORDERED that this is a Final Order and as such is a Public document pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014 and 2015 Supp.).

1-28-16

Date


Jonathan Nou, D.C.
President
Maryland Board of Chiropractic &
Massage Therapy Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §3-316 (2014 Repl. Vol. and 2015 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. II Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol. and 2015 Supp.), and Title 7, Chapter 200 of the Maryland Rules.

If the Applicant files an appeal, the Board is a party and should be served with the Court's process at the following address:

Laurie Sheffield, Executive Director
State Board of Chiropractic and
Massage Therapy Examiners
4201 North Patterson Avenue
Baltimore, Maryland 21215

The Administrative Prosecutor is no longer a party to this case and need not be served or copied.