

IN THE MATTER OF	*	BEFORE THE
VICTOR MENDOZA-GONZALEZ, RMP	*	MARYLAND STATE
Respondent	*	BOARD OF MASSAGE
	*	THERAPY EXAMINERS
Registration Number: R01530	*	Case Number: 17-20M
* * * * *		

**ORDER FOR SUMMARY SUSPENSION OF REGISTRATION
TO PRACTICE MASSAGE THERAPY**

The Maryland State Board of Massage Therapy Examiners (the “Board”) hereby **SUMMARILY SUSPENDS** the registration of **VICTOR MENDOZA-GONZALEZ, RMP** (the “Respondent”), Registration Number R01530, 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)(2) (2014 Repl. Vol. and 2016 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

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

1. At all times relevant hereto, the Respondent was registered to practice

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the summary suspension. 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 connection with this matter.

massage therapy in the State of Maryland. The Respondent was initially registered as a RMP in Maryland on January 30, 2012, under Registration Number R01530. The Respondent's RMP registration is active through October 31, 2018.

2. At all times relevant hereto, the Respondent worked as a RMP at a practice owned and operated by him located inside a gym in Montgomery County, Maryland. (the "Practice").²

3. On or about March 8, 2017, the Board received a complaint from a former client of the Respondent ("Client A") who alleged that on or about December 26, 2015 and February 13, 2016, the Respondent had inappropriately moved her underwear, failed to cover her, and inappropriately touched her in a sexual manner during a scheduled massage.

4. On or about May 4, 2017, the Board received a complaint from a former client of the Respondent ("Client B") who alleged that on March 20, 2017, the Respondent had sexually assaulted her during a scheduled massage.

5. On January 2, 2018, the Board received notification that the Respondent had been arrested and charged with committing criminal offenses after Client B reported that the Respondent sexually assaulted her during a massage on March 20, 2017.

6. The Montgomery County Police Department investigated Client B's claims and filed an Application for Statement of Charges on November 27, 2017 that included the following information:

On March 20, 2017, [Client B] . . . scheduled a massage with Victor Mendoza. . . [Client B]'s appointment began around 1800 hours and proceeded normally until Mendoza asked [Client B] to remove her

² 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.

underwear, so he could massage her “glutes” better. [Client B] complied, and Mendoza continued the massage. He then asked her to turn over and lay on her back, which she did. Mendoza massaged [Client B]’s upper thighs and then began to massage her inner upper thighs. As he did so, Mendoza’s hands touched the outer labia of [Client B]’s vagina. [Client B] stated she was frozen with shock as Mendoza continued to massage her legs and touching her vagina. Mendoza commented on how close he was to her ‘private area.’ Mendoza then put his mouth on [Patient B]’s vagina, inserted his tongue in between her labia, and then put his tongue inside her vagina.

[Patient B] stated she no longer felt frozen when Mendoza put his tongue inside her vagina but was still in shock that it was happening. She left shortly thereafter. [Client B] returned to her hotel and immediately notified police.

7. On or about December 14, 2017, the Respondent was charged in the Circuit Court for Montgomery County, Maryland, with the following criminal offenses: Sexual Offense Second Degree (a felony), in violation of Md. Code Ann., Crim. Law § 3-306³; Sexual Offense Fourth Degree-Sexual Contact (a misdemeanor), in violation of Crim. Law § 3-308(b)(1)⁴; and Assault Second Degree (a misdemeanor) in violation of Crim. Law 3-203⁵. The Respondent is scheduled for trial on these charges on April 16, 2018.

8. Based on the above investigative facts, the Respondent presents a substantial likelihood of a risk of serious harm to the public health, safety or welfare. Two female clients have alleged that the Respondent sexually assaulted them during massages he provided while working in his capacity as a registered massage practitioner. The Respondent is currently facing felony and misdemeanor criminal charges in connection with the massage he provided to Client B.

³ Md. Code Ann., Crim. Law § 3-306 provides: “A person may not engage in a sexual act with another: (1) by force, or the threat of force, without the consent of the other . . .”

⁴ 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[.]”

⁵ Md. Code Ann., Crim. Law § 3-203 provides: “A person may not commit an assault.”

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires the immediate suspension of the Respondent's registration to practice massage therapy, pursuant to State Gov't § 10-226(c)(2).

ORDER

IT IS this 28 day of march, 2018, by a majority vote of a quorum of the Maryland State Board of Massage Therapy Examiners hereby:

ORDERED that pursuant to the authority vested in State Govt. § 10-226(c)(2), the registration held by the Respondent to practice registered massage therapy in Maryland, Registration Number R01530, is hereby **SUMMARILY SUSPENDED**; 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 in writing to the Board and be made **WITHIN TEN (10) 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 RMP registration shall remain **SUSPENDED**; and it is further

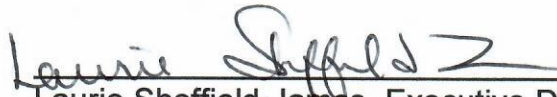
ORDERED that upon presentation of this Order, the Respondent **SHALL**

SURRENDER to the Board his original RMP registration, wallet card and any other official indicia of registration; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014 and 2016 Supp.).

3-28-10

DATE



Laurie Sheffield-James, Executive Director
Maryland State Board of Massage
Therapy Examiners