

IN THE MATTER OF

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BEFORE THE MARYLAND STATE

Gary Davenport, RMP

BOARD OF MASSAGE THERAPY

Respondent

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EXAMINERS

License No. R02264

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Case Number: 19-12M

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ORDER OF SUSPENSION OF LICENSE
FOR DELINQUENT CHILD SUPPORT

BACKGROUND

On or about February 11, 2019, the Maryland Board of Massage Therapy Examiners (the "Board") received written request from the Baltimore City Child Support Enforcement Administration of the Maryland Department of Human Resources (the "Administration") to suspend the license of Gary Davenport, RMP (the "Respondent"), License Number: R02264, for delinquent child support, by authority of the Annotated Code of Maryland, Family Law Article, section 10-119.3 (2014) which provides in part:

(e)(2) Except as provided in paragraph 3 of this subsection, upon Notification by the administration under this section, a licensing authority shall:

- (i) suspend an individual's license; or
- (ii) deny the license of an individual who is an applicant for a license from the licensing authority...

(h) Right to contest Identity – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall sent written notice of the proposed action to the individual whose license is subject to suspension or denial, including notice of an individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

(i) Appeal; hearing – (1) (i) Except as provided in paragraph (2) of this

subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(k)Reinstatement of License – Duty of licensing authority – A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

(1) notified by the Administration that the licensee should be reinstated; and

(2) the individual otherwise qualifies for the license

On February 13, 2019 the Board sent an unexecuted copy of this Order to Respondent's last known address and to the address on the Administration request. Accompanying the unexecuted Order was a cover letter giving Respondent written notice of the right to contest his identity in writing within thirty (30) days of the date of the letter. In addition, the letter advised Respondent that if he did not submit a written contest of mistaken identity on or before the date, the Board would execute this Order. The Respondent failed to submit a written contest letter of mistaken identity by March 27, 2019.

FINDINGS OF FACT

1. The Board issued a license to practice massage therapy to Respondent on June 25, 2015. Said license is active and set to expire on October 31, 2020.
2. On or about February 11, 2019 the Board received a written request from the Baltimore City Office of Child Support Enforcement Administration of the Maryland Department of Human Services (the "Administration"), requesting the Board to suspend the license of Respondent for delinquent child support under legal authority of the Annotated Code of Maryland, Family Law Article, section 10-119.3.

3. Annotated Code of Maryland, Family Law Article, section 10-119.3(e)(2) & (h)(1) require that the Board suspend the license of Respondent upon such notification by the Administration, sending Respondent written notice of the proposed suspension and of his right to contest his identity.

4. On February 13, 2019 the Board sent Respondent an unexecuted copy of the Order of Suspension to his last known address registered with the Board and listed on the Administration's request form. Included with the Order were specific instructions on contesting identity by submitting a written letter of contest to the Board within thirty (30) days of the date of the Board letter. The Board letter also specifically advised Respondent that the Suspension would commence should a letter of contest not be received by the deadline date.

5. Respondent did not submit a written contest letter by said deadline date.

6. Having given Respondent the statutory required notice of intent to suspend his license and the right to contest identity, and having not received a written contest of identity, the Board is statutorily required to suspend the Respondent's license pursuant to Md. Code Ann., Fam. Law §10-119.3(e)(2).

CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that, pursuant to Md. Code Ann., Fam. Law §10-119.(e)(2)(i), it is statutorily required to suspend Respondent's license.

ORDER

Based on the foregoing findings and conclusions of law, this 27th day of March, 2019, by the Maryland State Board of Chiropractic & Massage Therapy Examiners, it is hereby:

ORDERED that the license of Respondent, Gary Davenport, License Number R02264, is hereby SUSPENDED; and it is further

ORDERED that Respondent's license shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Maryland Department of Human Resources that Respondent's license should be reinstated; and it is further

ORDERED that this is a Final Order of the Board, and as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to report, and is otherwise disclosable under the Maryland Public Information Act, Md. Code Ann., General Provisions Article §4-301 *et seq.*



Paula Jilanis, LMT
Board Chair

NOTICE OF APPEAL RIGHTS

Respondent has a right to appeal this Final Order pursuant to Md. Code Ann., Fam. Law §10-119.3(i), which provides:

(i) Appeal; hearing – (1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or to deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.