

Andre L. Gibson
3907 Bayville Road
Middle River, Maryland 21220

March 6, 2018

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

Re: Surrender of Registration to Practice Massage Therapy
Andre L. Gibson, Registration Number: R02670
Case Numbers: 17-34, 17-35, 17-36

Dear Mr. Cox and Members of the Board,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") § 6-307 (2017 Supp.), I have decided to **SURRENDER** my registration to practice massage therapy in the State of Maryland, Registration Number R02670, 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 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 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 the Board received a complaint from a massage therapy center where I was employed stating that it had received complaints from three female clients regarding my inappropriate behavior and boundary crossings during massages. In addition, one of the three female clients filed her own written complaint with the Board. The Board initiated an investigation into the allegations. Based on its investigation, on December 20, 2017, the Board issued an Order for Summary Suspension of my registration to practice massage therapy, a copy of which is attached as Attachment 1. On January 24, 2018, following a show cause hearing at which I was present and presented oral argument, the Board continued the summary suspension of my registration. On January 30, 2018, I was informed of the Board's decision and was advised of my right to request a full evidentiary hearing before the Board.

David Cox, LMT and Members of the Board of Massage Therapy Examiners
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I further recognize and agree that by submitting this Letter of Surrender, my registration will remain surrendered unless and until the Board grants reinstatement. If I apply for reinstatement of my Maryland Registration, I understand that the Board is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the Board considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I ever file a petition for reinstatement, I will approach the Board in the same position as an individual whose registration has been revoked.

I acknowledge that I may not rescind this 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 Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my registration to practice massage therapy in Maryland. I understand both the nature of the Boards' actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.



Very truly yours,

Andre L. Gibson
Andre. L. Gibson

NOTARY

STATE OF MD
CITY/COUNTY OF _____

I HEREBY CERTIFY that on this ___ day of _____, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Andre L. Gibson, and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was their voluntary act and deed.

AS WITNESS my hand and Notarial seal.

Notary Public

IN THE MATTER OF

ANDRE L. GIBSON, RMP

Respondent

Registration Number: R02670

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BEFORE THE STATE

BOARD OF

MASSAGE THERAPY EXAMINERS

Case Numbers: 17-34M, 17-35M, 17-36M

**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 to practice massage therapy in Maryland issued to Andre L. Gibson, RMP (the "Respondent"), Registration Number R02670, under the Maryland Massage Therapy Act (the "Act"), Md. Health Occ., Code Ann. § 6-101 et seq. (2017). The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2014 Repl. Vol. & 2017 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 and the Office of the Attorney General, including the instances described below, the Board has reason to believe that the following facts are true:

I. Background

¹The 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 about this matter.

1. At all times relevant, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered in Maryland on May 8, 2017, and his registration is presently active through October 31, 2018.
2. At all times relevant, the Respondent worked as a massage therapy practitioner in a wellness center located in Baltimore, Maryland ("Center A").²
3. On or about August 2, 2017, the Board received a written complaint from the Director of Body Work (the "Director") of Center A stating that Center A had received complaints from three clients of the Respondent ("Client A", Client B, and Client C"). Each of the Clients telephoned and spoke with the Manager of Center A who then informed the Director. The Director described the complaints as involving "inappropriate behavior" and "boundary crossings" by the Respondent during massages. The Director provided details about the telephone conversations with the three clients, as more fully set forth below, and provided supporting documentation. Client A also filed her own written complaint with the Board.
4. After receiving the complaints, the Board initiated an investigation that included conducting two in-person interviews of the Respondent. The Board's investigative findings are set forth in pertinent part below.

II. **Board's Investigative Findings**

Client A - Case Number 17-36M

5. Treatment records received from Center A confirm that the Respondent saw Client A for a massage on July 5, 2017.

² Specific identification of facilities and staff are not used in this Order, but will be provided to the Respondent on request to the administrative prosecutor. Respondent is aware of the identity of the facilities.

³ Client names are confidential and are not used in this Order, but will be provided to the Respondent on request to the administrative prosecutor.

6. On August 2, 2017, Client A called Practice A to report "highly inappropriate behavior by the Respondent during her session." As stated in the complaint from the Director:

[The Respondent] undraped her breasts.

When working on her left leg her knee was in [the Respondent's] groin and his penis was erect.

The Respondent verbally asked her if she "wanted tongue."

The Respondent attempted to touch her nipples and [Client A] firmly told him "no."

7. On August 2, 2017, Client A filed a written complaint with the Board. Client A described her complaint as follows:

On July 5, 2107, I went to [Center A] for a massage. [The Respondent] was assigned to me.

Unwanted sexual contact – Early in the massage, the drape slipped off my left breast. I was not aware of it. [The Respondent] pointed it out to me and said that this would not look good is someone walked into the room. I told him that I was not aware it had slipped and apologized if I had made him uncomfortable. I replaced the drape. As he worked on my left quadriceps he pulled my left knee out to his groin where his penis was erect - I ignored it.

When I was on my back, [the Respondent] was massaging my shoulders. He continued to the pectoral muscles. He then proceeded to move his fingers to manipulate my nipples. He asked me several times if I wanted tongue – I did not understand any of what was going on and felt frozen. As he started to push his hands down toward my groin – I said NO.

Private service solicitation – After the massage began, [the Respondent] asked me if I was interested in receiving massages at home. He continued to offer his home service three times throughout the massage making me feel more uncomfortable each time.

Client B [REDACTED] Case Number 17-35M

8. Treatment records received from Center A confirm that the Respondent

saw Client B for a massage on July 5, 2017.

9. On July 6, 2017, Client B called Center A to report that the Respondent "crossed lines with her during the session." As stated in the complaint from the Director:

[The Respondent] asked [Client B] to undrape her pectoral area in a way that was comfortable to her. But then asked her to "scoot" toward the head of the massage table which exposed part of her breasts which he did not redrape.

When lying prone, [the Respondent] asked her to lower her underwear to a point that was comfortable to her; but did not massage this area, just left it undraped while he worked other areas of the back.

At the end of the session when lying supine again, [the Respondent] massaged the pectoral area then continued beneath the draping and massaged breast tissue and massage her nipples. Then he put his hands under the drape and reached down to [Client B's] stomach area.

Client B cancelled her next appointment with the Respondent.

10. During the telephone call on July 18, 2017, Client B reported to the Manager of Center A that about halfway through the massage, she was lying face up, and the Respondent asked her to lower the sheet as much as was comfortable for her, which she did. The Respondent asked her to scoot up to the top of the table to work on her neck and shoulder, so she did. The sheet had fallen but the Respondent did not try to redrape her. At the end of the massage, she was lying face up and her upper chest or pectorals were exposed. The Respondent massaged her pectorals and then, massaged her bust and massaged her nipples. The Respondent slid his hands down on her stomach "in a very suggestive fashion" and she felt like he would have gone further if her arm/hand was not there to stop him.

11. On July 6, 2017, Center A terminated the Respondent after its receipt of the complaint from Client B.

Client C [REDACTED] Case Number 17-34M

12. Treatment records received from Center A confirm that the Respondent saw Client C for a massage on June 15, 2017.

13. On July 18, 2017, Client C called Center A and reported that the Respondent "was inappropriate during her massage." Client C cancelled her next appointment with the Respondent.

14. Client C reported to the Manager of Center A that the massage she received "seemed very sexual." She felt "uncomfortable the whole time" and "felt guilty after the massage." Client C reiterated that "it was a very sexual energy." The Respondent lifted the sheet but she felt it was lifted too high and that the Respondent could probably see her underneath. The way the Respondent rubbed her arms felt sexual. She said she "felt dirty after the massage" and will "probably never get a massage again."

Interview of the Respondent

15. On September 5, 2017, the Board Investigator conducted an interview under oath of the Respondent regarding the allegations of Clients A, B, and C. The Respondent testified to the following:


- a. The Respondent was employed by Center A in approximately May 2017 and was "let go" from Center A in approximately July 2017 because of a "draping issue;"
- b. The Respondent did not recall Client A, and denied making any of the statements or performing any of the actions alleged by Client A;

- c. The Respondent recalled Client B. The Respondent acknowledged that he asked Client B, while she was on her back and draped, to move up further on the massage table so her head could hang over the table and he could stretch her neck. The Respondent acknowledged that when Client B moved up, her breasts were exposed because "when she moved, she did not pull the drape;"
 - d. The Respondent did not recall Client C, and denied performing the actions alleged by Client C; and
 - e. As of the date of the interview, the Respondent has been working as a massage therapist as a "contractor" at a "day spa" in Howard County, Maryland, approximately 10 to 15 hours a week, or less, since approximately July 2017.
16. On September 6, 2107, the Respondent left a recorded message on the office telephone of the Investigator, requesting that the Investigator call him.
 17. On September 8, 2017, the Investigator called the Respondent. The Respondent asked to be "re-interviewed" and stated that he "just wanted to tell the truth."
 18. On September 26, 2017, the Investigator conducted a second interview under oath of the Respondent regarding the allegations of Clients A, B, and C. The Respondent testified to the following:
 - a. The Respondent reiterated that he called the Investigator because he "wanted to tell the truth about what happened." The Respondent acknowledged that he had "lied" in the previous interview;
 - b. The Respondent stated that he did not recall the name of Client A but now he did recall the circumstances surrounding providing a massage for the individual herein identified as Client A;
 - c. The Respondent asked Client A "if she wanted her pec (pectoral) muscles worked on and she said yes." The Respondent touched Client A's nipple with his hand "for the amount of time to work an area, maybe a minute or two." The Respondent asked Client A "if she wanted me to use my tongue... on her breast;"

ORDERED that the Respondent shall immediately turn over to the Board his wall certificate and wallet sized registration issued by the Board to practice massage therapy; and be it further

ORDERED, that this Order for Summary Suspension constitutes a **FINAL ORDER** of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014 & 2017 Supp.).

12.20.17
Date


Laurie Sheffield-James
Executive Director for
David Cox, LMT, Chair
Maryland State Board of Massage Therapy
Examiners