

IN THE MATTER OF
CHANG D. KIM, CMT
CERTIFICATE NO. M01714
Respondent

*** BEFORE THE**
*** STATE BOARD OF**
*** CHIROPRACTIC EXAMINERS**
*** Case Number: 04-10-M**

* * * * *

ORDER OF REVOCATION OF MASSAGE THERAPY CERTIFICATE

Pursuant to Md. State Govt. Code Ann. ("S.G.") § 10-226(c)(1) (2004 Repl. Vol.) and the Maryland Massage Therapists Act, codified at Md. Health Occ. Code Ann. § 3-5A-01, et seq., ("the Act") (2000 Repl. Vol.), the State Board of Chiropractic Examiners ("the Board") hereby **REVOKES** the massage therapy certificate of Chang D. Kim, CMT, ("the Respondent"), Certificate No. M01714.

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S CERTIFICATE

1. At all times relevant, the Respondent was certified by the Board to practice as massage therapy in the State of Maryland. The Respondent was initially certified on December 18, 2001 and last renewed her certificate on October 18, 2002. The Respondent's certificate expired on October 31, 2004.

2. At all times relevant hereto, the Respondent was purportedly employed by the Oriental Spa in Elkridge, Maryland in Howard County. Oriental is owned by Sun Yul (Peter) Kim. Because of bribery offers to the Board's inspector and a Howard County Police Officer, Mr. Kim was charged with bribery and was subsequently convicted of same on June 11, 2004. Mr. Kim was sentenced to jail and forfeited all money seized.

3. The Respondent applied for his initial certification on August 16, 2001. The Respondent listed his business address as Oriental. In support of his application, Mr. Kim,

also the owner of Four Seasons Spa in Fort Lee, New Jersey, attested that the Respondent was an employee of said Spa from 1989-2000 and had performed approximately 25 hours of paid massage therapy sessions per month between October 1994 and October 1999, amounting to 1500 hours of paid massage therapy sessions.¹

4. During the execution of a search and seizure warrant at Oriental on February 26, 2004, the Respondent's certificate was found to be displayed on the wall; however, the Respondent was not at the location.

5. On April 12, 2004, the Office of the State Prosecutor conducted an interview of G.L., a certified massage therapist who was the manager of Oriental. During that interview, Ms. G.L. disclosed the following:

- A. Ms. G.L. advised that she had worked for Oriental from September 2001 until August 2003, when she left for health reasons;
- B. Ms. G.L. stated that she had never worked for Four Seasons, as attested to in her application by Mr. Kim;
- C. Ms. G.L. stated that the Respondent had never worked at Oriental during the time that she was there.

6. During numerous inspections of Oriental, numerous violations were cited, namely, uncertified massage therapists working and performing illegal activities.

¹ At the time that the Respondent submitted her application, she was allowed to be "grandfathered" in by virtue of having completed schooling and a certain amount of paid massage therapy sessions. The school which the Respondent attended, Excel Institute in Palisades, New Jersey, was removed from the Board's list of approved schools in November 2001.

7. Because the Respondent's certificate was found on Oriental's wall, on March 9, 2004, a subpoena was issued to the Respondent to be interviewed on April 5, 2004 at the Board's offices in regard to his alleged employment at Oriental, and his application of August 2001, including verification of attendance at Excel. The subpoena was signed for, but the Respondent failed to attend the interview. The Respondent's attorney was also contacted, but failed to respond to numerous Board messages regarding the Respondent.

CONCLUSION OF LAW

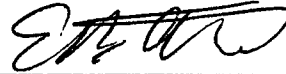
The Board finds that the Respondent violated § 3-5A-09 (19) (Fails to cooperate with a lawful investigation conducted by the Board) of the Act.

ORDER

Based on the foregoing Facts that Warrant Revocation of the Respondent's Certification and Conclusion of Law, by a unanimous vote of a quorum of the Board present, it is hereby

ORDERED on this 31 day of May 2005, that the Respondent's certificate as a Certified Massage Therapist in the State of Maryland be and is hereby **REVOKED**; and be it further

ORDERED that this is a final Order of the Maryland Board, and as such is a public document pursuant to the Maryland Public Information Act, codified at State Govt. Code Ann. § 10-611, *et seq.*, (2004 Repl. Vol.).



E. Brian Ashton, D.C., P.T., President
State Board of Chiropractic Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 3-316, you have a right to take a direct judicial appeal, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty days of your receipt of this executed Order, and shall be made as provided for judicial review of a final decision in the APA, codified at State Govt. Code Ann. § 10-201, *et seq.*, (2004 Repl. Vol.).