

Chon S. Medina, R.M.P.
48291 Bayshore North Drive
Belle Ville, MI 48111

Date December 19, 2005

Marc M. Gamerman, D.C., President and
Members of the Board of Chiropractic Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of
Massage Therapist Registration
Registration Number: R00090
Case Number: 05-18-M

Dear Dr. Gamerman and Members of the Board:

Please be advised that I have decided to surrender my registration to practice massage therapy in the State of Maryland, Registration Number **R00090**. I understand that I may not give massage therapy advice or treatment to any individual, with or without supervision and/or compensation, cannot provide any form of massage therapy or otherwise engage in the practice of massage therapy as it is defined in the Massage Therapists Practice Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. §3-5A-01, *et seq.*, (2000 Repl. Vol. and 2004 Supp.). In other words, as of December 19, 2005 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 uncertified individual.

I understand that this Letter of Surrender is a **PUBLIC** document.

My decision to surrender my registration to practice massage therapy in Maryland has been prompted by an investigation of my licensure by the Maryland Board of Chiropractic Examiners (the "Board").

The Board's investigation resulted in charges under the Act. Specifically, the Board charged me with the commission of prohibited acts under H.O. § 3-5A-09:

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(a) Subject to the hearing provisions of § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder if the applicant, certificate holder, or registration holder:

- (2) Fraudulently or deceptively uses a certificate or registration;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (20) Engages in conduct that violates the professional code of ethics; or
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

The Board further charged me with a violation of its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000). Specifically the Board charged me with violating the following subsections:

.03 Standards of Practice.

A. The certificate holder or registration holder shall be concerned primarily with the welfare of the client.

C. A certificate holder or registration holder shall:

(2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;

(5) At all times respect the client's dignity, autonomy, and privacy;

D. A certificate holder or registration holder may not

(2) Knowingly engage in or condone behavior that:

(d) Involves moral turpitude;

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.05 Professional Boundaries, thereof:

A. A certificate holder or registration holder shall:

- (1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

These charges stem from the following facts that the Board has cause to believe are true:

1. At all times relevant hereto, Chon Medina (herein after, "the Respondent") was registered as a massage therapist in Maryland. The Respondent was first registered on September 4, 2003. The Respondent's registration expires October 31, 2005.
2. At all times relevant hereto, the Respondent operated a business called Southern Spa in Charles County, Maryland.
3. On November 12, 2004, a Charles County Circuit Court Judge authorized a search and seizure warrant for the Respondent's business and home.
4. On November 13, 2004, members of the Charles County Sheriff's Office, Vice/Narcotics Enforcement Section, and others, executed the warrant, with the following results:

A. A woman in a black dress with no underwear on opened the door for the officers to begin their search and seizure;

B. One male customer was found by the police getting dressed in massage room #1. He indicated that the woman (who opened the door for the officers) in the black dress had given him a hand job, using hand lotion as a lubricant, for which he paid \$60 in cash. He further indicated that the woman cleaned up his ejaculation with a tissue afterwards. The woman was later identified as Pok Chu Smith, who is not licensed as a massage therapist in Maryland. Subsequently, Ms. Smith refused to answer the officers'

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questions regarding her activities at Southern; nonetheless, she was arrested and charged with prostitution and misrepresenting a massage therapist;

C. Another male customer was lying naked on a massage table in massage room #3, with a bottle of hand lotion between his legs touching his scrotum, with Mi Cha Chambers, who is not licensed as a massaged therapist in Maryland, leaning over him. Ms. Chambers was wearing very short shorts and a very tight half-shirt and no underwear under it. Ms. Chambers stated that she services 10-11 customers a day at Southern who pay \$99 a piece, by either credit card or cash, for a body shampoo and massage. Ms. Chambers further stated that the customers pay before the massage begins and their tips average \$50-60. She further stated that she will perform hand releases on some customers and uses tissues to clean up the ejaculation. She was then arrested and charged with prostitution and misrepresentation as a massage therapist;

D. One male customer knocked on the door of Southern while the officers were conducting the search and seizure. He stated that he had come to Southern to get a massage and a hand job, which he had heard from others could be obtained at Southern;

E. Another male customer knocked on the door of Southern while the officers were conducting the search and seizure. He stated that he came to Southern to get a "happy ending," which he explained a "handjob."

F. Yet another male customer knocked on the door of Southern while the officers were executing the search and seizure. He, too, stated that he had "never been to Southern before today but knew that there were massage parlors in Charles County and was hoping to get a massage and a handjob on his visit that day;"

G. When the Respondent arrived a little while after the officers had been there, and it was explained to her that the officers were there executing a search and seizure to find evidence of prostitution, the Respondent stated that she "knew this was coming;"

H. The Respondent claimed to be a worker at Southern and not the manager; she said there is no manager at Southern, which is owned by Chon Lemer who lives in Washington State, has never been to Southern, and is in poor health. The Respondent stated that she runs the business for Chon Lemer, managed the "girls" present there that day, pays them for working there, and makes weekly deposits of the business' money in the Maryland Bank and Trust in Waldorf. The Respondent was arrested and charged with operating a prostitution business.

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I. Recovered from Southern and/ or the Respondent's residence were the following items:

- A 7Up can with a screw-on lid, which, when unscrewed, contained numerous unused condoms;
- Washington State Massage license for the Respondent
- 4 checkbooks for the Respondent at NBD Bank in Michigan
- 1 checkbook for Alan Yates at Bank of America
- 10 checkbooks for Southern Spa at Maryland Bank and Trust
- 3 deposit slips for Maryland Bank and Trust
- Numerous credit card receipts for October and November 2004, for Southern Spa
- Charles County Massage Regulations Packet
- Numerous sales receipts for Southern Spa and the Respondent
- Home Depot Work Order for Southern Spa
- Address book for the Respondent
- Laser Pointer keychain with copied licensing documents for the Respondent
- Plane ticket for Pok Smith
- Dell Computer Invoice Sheet for the Respondent
- 2 credit card applications for Southern Spa
- Allen Yates' Safe Deposit Account Summary document
- Credit card application for the Respondent

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- Southern Spa advertisement flyer
- Respondent's dental account documents
- 2000 Tax Return documents for CSL Southern Spa
- 2000 Tax Return documents for Chong Lemmer
- 2001 Tax Return documents for Southern Spa
- Allen Yates' Social Security Statements for 2004
- Evidence bag with the Respondent's Maryland Driver's License, Bank Card and several money orders
- Wachovia Bank Merchant Billing Statement for Southern Spa
- SMECO bill for Southern Spa
- 2003 Tax Return documents for Alan Yates
- Evidence bag with envelopes that contained cash and numerous credit card receipts
- Large blue binder with numerous Southern Spa and the Respondent's related business documents
- Southern Spa insurance documents
- 2001 Tax Return documents for Chon Lemmer
- Merchant Billing Statements from Wachovia for Southern
- Yellow Pages Ad bill
- Brown binder containing Southern Spa bookkeeping records

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J. Items recovered from 6071 D Thoroughbred Court were:

- Crown Royal bag with 7 envelopes that contained \$12,500 in cash
- Evidence bag with numerous documents related to Alan Yates, the Respondent, and Southern Spa

(2) In addition, bank accounts or safety deposit boxes in the names of Alan Yates and/or Southern were found.

5. As a result of finding the bank accounts/deposit boxes, on November 14, 2004, the officers obtained another search and seizure warrant for the banks involved. That warrant was executed on the 15th, where it was discovered that Mr. Yates had an additional bank account. Subsequently, a warrant for that account was obtained on the 15th, with the following results:

6. At the Bank of America, the bank official, pursuant to the warrant, closed out two accounts and gave the contents, totaling \$14, 017.69, each to the officer.

A. While at one bank, the officer observed Mr. Yates drive around the back four times before he drove off. He later came back and parked in the Wendy's lot next to the bank and watched the bank. After several minutes, Mr. Yates again got in his car and drove around the bank again, looking at the vehicles parked around it. As Mr. Yates was again circling the bank, the officer approached him in his car and identified himself, informing him that he was investigating him and Southern. Mr. Yates at first stated that he only had \$5000 in the account from selling a business. When the officer named the business, Mr. Yates was surprised, and the officer informed him that he had not reported any of this on his income tax returns. Subsequently, Mr. Yates informed them that some envelopes from Southern were in the deposit box, but he did not have anything to do with Southern. Finally, Mr. Yates stated that there was \$100,000, of which \$65,000 was his from the sale of another business, which the officers reminded him again that he had not reported income on.

B. After talking to Mr. Yates for about 10 minutes, Mr. Yates gave the officer his safe deposit key.

C. Mr. Yates drove away, followed by two officers, who noted that he entered Southern with a key; exited a short while later with a woman; went to McDonald's; and, returned to Southern afterwards.

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D. The officer who interviewed Mr. Yates emptied the contents of his safe deposit boxes at the Bank of America and found the following:

- Gold Rolex watch
- Gold chain
- MVA documents for Alan Bruce Yates
- Passport paperwork for the Respondent
- Another MVA document for Alan Bruce Yates
- Certificate of Naturalization for the Respondent
- Certificate of Deposit paperwork for Alan Yates
- Passport for Alan Yates
- Various financial documents from First Fidelity Bank, Bank of America, Key Bank, T.D. Service Company, and First Union Bank of Connecticut
- Black and white-checkered bag
- And numerous other documents

E. Other officers were at the Maryland Bank and Trust executing the second part of the search warrant, which resulted in a check for \$11,049.29, which closed out the account there.

7. On November 24, 2004, Charles County officers were conducting a surveillance of Southern when they saw a male enter, who was greeted by the Respondent. After he exited, the officers spoke with him and he explained that he had paid the Respondent \$100 and she had given him a table shower, touching his genitals several times while so doing. Afterwards, the customer stated that the Respondent took the customer to a massage room where she gave him a massage during which the Respondent took off all of her clothes and manually masturbated his penis until he ejaculated; after which, she cleaned up the semen with a tissue. The customer positively

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identified the Respondent from a photo array and stated that he had been to Southern approximately six times before and knows that the Respondent is the manager.

8. Later, on that same day, the officers were again observing Southern when they saw a different male leave Southern and get in his car, at which time the officers approached him and recorded the following information. The customer stated that he was greeted upon entering Southern by a woman later identified as the Respondent, to whom he paid \$40. The customer further stated that the Respondent then gave him a table shower, touching his scrotum several times. The customer stated that the Respondent then took him to a massage room and gave him a massage. According to the customer, when he asked for sex, the Respondent said she couldn't because she had no condoms in the Spa at that time. The customer further stated that he had been to Southern approximately six times in the past year, each time getting sex there.

9. About an hour later, while the officers were still conducting surveillance on Southern, they saw a third man come out of Southern and they approached him. He indicated that he had been greeted at the front door by a woman later identified as the Respondent, to whom he paid \$160. He further stated that the Respondent then gave him a table shower at which time she touched his scrotum and penis several times. The customer stated that the Respondent then took him to the massage room where she started giving him a massage while he was face down. The customer stated that the Respondent then took off all of her clothes and flipped the customer onto his back. The customer further stated that, after putting a condom on him, the Respondent performed oral sex on him until he ejaculated. The customer stated that he had been to Southern approximately five times in the past year.

10. Based upon these above-described events, the officers arrested the Respondent and charged her with prostitution.

11. As set forth above, a massage therapist who uses her license to bring about sexual gratification of others for payment and who allows others in her employ to do so, is in violation of the Act and regulations thereunder.

I affirm that I was served with a copy of the charging document and have otherwise been advised on the Board's actions through communications with representatives of the Office of the Attorney General and my legal counsel.

I have decided to surrender my registration to practice massage therapy in Maryland to avoid further prosecution of the aforementioned charges. The basis for the charges against me include the Board's findings of the investigations described above, and by

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virtue of this Letter of Surrender, I waive any right to contest those charges and findings in any administrative hearing, although, by this Letter, I do not admit to each and every charge and, had I gone to a hearing, would have vigorously contested same. However, I acknowledge that the State would have enough evidence to find me in violation under the preponderance of the evidence standard. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. **I understand that by executing this Letter of Surrender, I am waiving any right to contest these findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law, including the right to appeal. However, this letter is without prejudice to me in any criminal prosecution.**

I hereby affirm that I have permanently terminated any practice that I had in Maryland.

I acknowledge that on or before the effective date of this Letter of Surrender, my Maryland massage registration, number R00090, was seized by the Charles County Police and is in its possession, and that I currently do not possess any renewal registrations and wallet-sized renewal cards.

I further recognize and agree that, by agreeing to this Letter of Surrender, my registration will remain surrendered until such time as I apply for reinstatement and comply with the terms and conditions set forth in this Letter and those determined by the Case Resolution Conference and/or the Board subsequent to my application for reinstatement. In the event that I apply for reinstatement of my Maryland registration or for the issuance of a new Maryland massage therapy registration, I understand that the Board may set terms and conditions that shall apply to my receiving a reinstated massage therapy registration or a new Maryland massage therapy registration. I also understand that, if I apply for reinstatement or for a new Maryland massage therapy registration, I bear the burden of demonstrating to the Board that I am competent to practice massage therapy and possess good moral character, as specified in the Act. I understand that if I determine that if I would like once again to practice massage therapy in Maryland, I will approach the Board in the same posture as one whose registration has been revoked on the above charges.

I understand that if I petition the Board for reinstatement of my registration, the Board will review my case and determine my fitness to have my registration reinstated. I understand that the Board can deny such application based solely on the allegations contained in the Charges dated September 21, 2005, and/or any findings of the investigation by the Board. I understand that the Board will only consider my petition for reinstatement if I have first met the following conditions:

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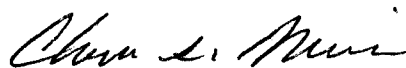
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1. I will not apply for reinstatement for at least five years;
2. At the time that I reapply, I will document to the Board the requisite continuing education units;
3. I will take and pass, with the requisite score, the Massage Therapy State Board Exam;
4. If I meet the above conditions and the Board allows me to reinstate my registration or obtain a new registration, I shall be placed on Probation for three years, subject to the following conditions:
 - A. I will not own/operate or be the manager of a massage therapy establishment during my probationary period;
 - B. I will obey the laws and regulations governing the practice of massage therapy in Maryland;
 - C. Any violation of same will result in an automatic revocation of my registration.

I agree and accept to be bound by the foregoing Letter of Surrender and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf.

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 consulted with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's 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.

Sincerely,



Chori S. Medina, R.M.T.

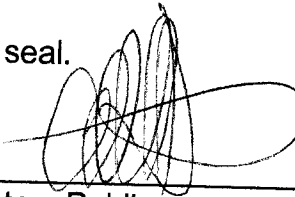
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NOTARY

STATE OF Washington
CITY/COUNTY OF Spokane

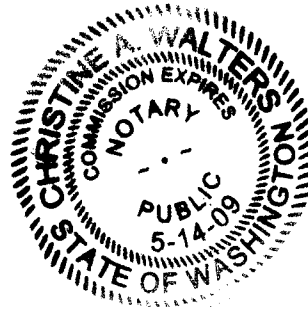
I HEREBY CERTIFY that on this 19 day of December, 2005,
before me, Christine Walters, a Notary Public of the State and City/Country
 (Print Name)
aforesaid, personally appeared Chon S. Medina, Registration Number R00090, and
declared and affirmed under the penalties of perjury that signing the foregoing letter of
surrender was her voluntary act and deed.

AS WITNESS my hand and notarial seal.



Notary Public

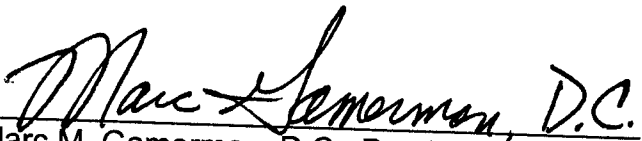
My Commission expires: 5-14-2009



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ACCEPTANCE

ON BEHALF OF THE BOARD OF CHIROPRACTIC EXAMINERS, on this 9th
day of JANUARY, 2008, I accept Chon S. Medina's public letter of
surrender of her registration to practice massage therapy in the State of Maryland.


Marc M. Gamerman, D.C., President
Board of Chiropractic Examiners

cc: Roberta Gill, Assistant Attorney General
Timothy J. Paulus, Deputy Director
Grant Gerber, Board Counsel
James Vallone, Executive Director
Gwendolyn Wheatley, Deputy Director
Sheryl McDonald, Legal Secretary