

IN THE MATTER OF \* BEFORE THE STATE BOARD OF  
ERIN HEATHER TRAWEEK \* MASSAGE THERAPY  
Applicant \* EXAMINERS  
\* CASE NUMBER: 17-19M

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**CONSENT ORDER**

On November 30, 2017, the State Board of Massage Therapy Examiners (the "Board") notified Erin Heather Traweek (the "Applicant") of the Board's intent to deny her Application for Licensure or Registration in Massage Therapy (the Application") pursuant to the Maryland Massage Therapy Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 6-101 *et seq.* (2014 Repl. Vol & 2016 Supp.).

The pertinent provisions of the Act state:

Health Occ. § 6-302 Qualifications.

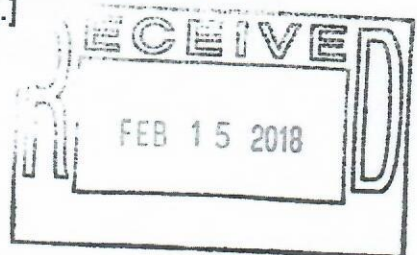
(a) *Qualifications for license.* – To qualify for a license, an applicant shall be an individual who:

- (1) Is of good moral character[.]
- (5) Submits to a criminal history records check in accordance with §6-303 of this subtitle.

Health Occ. § 6-308 Denials, reprimands, suspensions, and revocations.

(a) *In general; grounds* - Subject to the hearing provisions of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a licensee or the registration of a registration holder if the applicant, licensee, or registration holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or registration for the applicant or for another[.]



The Board notified the Applicant that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing.

On November 30, 2017 the Applicant was served with the Board's Notice of Initial Denial of her Application for Licensure or Registration to practice massage therapy (the "Notice"). The Board notified the Applicant in the Notice that this Final Order would be executed thirty (30) days from service of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on December 30, 2017. The Applicant requested a hearing on December 11, 2017. Prior to a hearing on the Denial, on December 20, 2017, the Board convened a Case Resolution Conference ("CRC") committee meeting in this matter. On January 24, 2018, based on negotiations occurring because of the CRC, the Board agreed to grant the Application for registration or licensure conditioned on the Applicant agreeing to enter this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

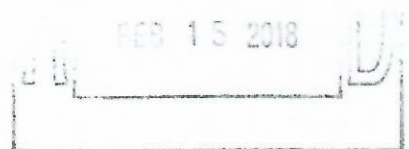
The Board makes the following findings of fact:

#### **I. Background**

1. The Applicant is not and never has been licensed, registered, or certified to practice as a massage therapist in Maryland or in any other state.

2. On or about April 26, 2017, the Applicant submitted to the Board an Application for Licensure or Registration in Massage Therapy (the "Application") to be a licensed or registered massage therapist in the State of Maryland. On the Application, the Applicant answered "no" to question D, which states:

Have you ever appeared in court, been arrested, or entered a plea of guilty, no contest, *nolo contendere*, or been convicted of a crime or received



probation before judgment in any jurisdiction for a crime other than a minor traffic violation?

3. The Applicant signed the Application attesting that:

The information provided in this application is truthful and correct to the best of my knowledge and belief. I understand that providing false information of any kind or omitting information known to me may result in the voiding of this application.

4. Pursuant to Health Occ. § 6-303, the Board requested a criminal history record check.

5. Thereafter, the Board obtained the supporting criminal records.

## II. Criminal History

6. On or about July 21, 2016, in the District Court for Henrico County, Virginia, Case Number 9C16036485, the Applicant was arrested and charged under the Code of Virginia with violation of Section 18.2-346.

On April 13, 2017, the Judge ordered the charge dismissed.

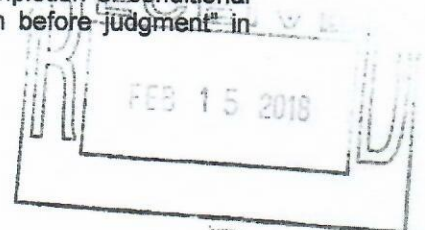
7. On or about November 7, 2009, the Applicant was arrested in New Jersey for possession of Controlled Dangerous Substances (less than 50 grams of Marijuana/Hashish) and possession with intent to use drug paraphernalia. On February 18, 2010, in the Plainfield, New Jersey Municipal Court, Case Numbers S 2009 002459 and W 2009 002460, the Court imposed a 12-month "conditional discharge"<sup>1</sup> to run concurrently in both cases. The Applicant was fined \$780.00.

8. On or about May 9, 2017, the Board's investigator interviewed the Applicant.

The Applicant stated the following:

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<sup>1</sup> The New Jersey Conditional Discharge Program allows an individual who has been charged with a Disorderly Persons Offense involving drugs to avoid a criminal record through completion of conditional discharge probation. It is not a conviction and it is the equivalent of "probation before judgment" in Maryland.



- a. Regarding her arrest in Virginia for "prostitution", the Applicant said that she was with an "abusive boyfriend who was controlling." She stated she was "forced into prostitution by her former boyfriend." She stated that the judge "nolle prossed"<sup>2</sup> the case and that she "had to take a class."
- b. Regarding her arrest in New Jersey, the Applicant admitted that she had marijuana in her possession although she is "not a drug dealer and is not drug dependent." The Applicant stated that when she was arrested for drugs, "she was hanging out with the wrong people." The Applicant further stated that she "forgot about the charge" since she completed a diversion program for first time offenders and paid a fine.

9. On May 10, 2016, the Board received a letter from the Applicant in which she stated she has "not made the best life decisions in the past but I am on the right track now."

### III. Basis for Granting Certification

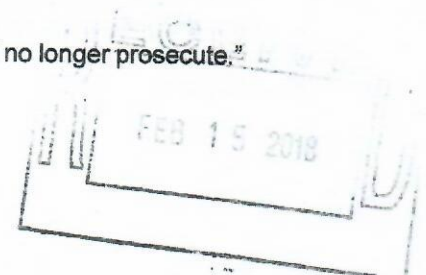
10. The Applicant has demonstrated that she meets the qualifications for licensure or registration based her explanation for why she failed to disclose the two criminal cases, based on the length of time since the probation before judgment was imposed in New Jersey, based on the dismissal of the charges in Virginia followed by the Applicant's completion of a trauma counseling program, and based on the actions which the Applicant has taken since both criminal cases to rehabilitate herself .based on her present acknowledge of the criminal history, the length of time since receiving probation before judgment,

### CONCLUSION

Based upon the foregoing Findings of Fact, the Board concludes that the Applicant meets the qualifications for licensure or registration under Health Occ. § 6-302.

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<sup>2</sup> *Nolle prosequi*, sometimes referred to as "*nolle pros*," is a Latin phrase meaning "will no longer prosecute." It amounts to a dismissal of charges by the prosecution.



**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of January, 2018 by a majority of the Board, hereby:

**ORDERED** that the Application for Licensure or Registration of Erin Heather Traweek to Practice Massage Therapy is hereby **GRANTED**; and it is further

**ORDER**

It is, on the affirmative vote of a majority of the quorum of the Board, hereby:

**ORDERED** that the Applicant is placed on **PROBATION** for a minimum period of **TWO (2) YEARS**<sup>3</sup>: During the probationary period, the Respondent shall comply with all the following probationary terms and conditions:

1. Within 10 days of employed as a massage therapist, the Applicant shall provide the Board with the name and address of her employer (supervisor?) The Board will provide the employer/supervisor with a copy of this Order. The Applicant consents to the release of this public document to the employer/supervisor. The Applicant shall ensure that the employer/supervisor provides the Board with quarterly reports regarding the Applicant's honesty in the workplace. If there are indications that the Applicant poses a substantive risk to patients, the employer/supervisor shall immediately report his or her concerns to the Board. If the Applicant, changes or adds a place of employment as a massage therapist, the Applicant shall notify the Board in writing of the new or additional place of employment, within then (10) days of beginning the new or additional employment. An unsatisfactory employer/supervisory report may constitute a violation of probation and of this Consent Order; and
2. The Respondent shall comply with the Maryland Massage Therapy Act, Md. Code Ann., Health Occ. §§ 6-101 - 6-602, and all laws and regulations governing the practice of massage therapy in Maryland; and it is further

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<sup>3</sup> If the Applicant's license expires during this two-year period, the two-year period and any conditions will be tolled.

**ORDERED** that the Applicant shall not apply for the early termination of probation; and it is further

**ORDERED** that, after two (2) years, if the Applicant has fully and timely complied with the terms and conditions of this Consent Order, and there are no pending complaints related to the facts pertaining to the Application, the Board will administratively terminate the probation. The administrative termination of probation will be issued through an order of the Board; and it is further

**ORDERED** that if the Applicant allegedly fails to comply with any term or conditions of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be the Board at the Office of the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

**ORDERED** that, after the appropriate hearing, if the Board determines that the Applicant has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend or revoke the Applicant's certification or license to practice massage therapy in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Applicant; and it is further


**ORDERED** that the Applicant is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, unless stated otherwise in the order, any time prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of the Board; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. Code Ann., Gen. Prov. § 4-333(b)(6)(2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

**ORDERED** that this Order is final and a public document pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6)(2014).

January 24, 2018  
Date

  
Laurie Sheffield-James, Executive Director  
For David Cox, LMT, Chair  
Maryland State Massage Therapy

### CONSENT


I, Erin Heather Traweek, by affixing my signature hereto, acknowledge that:

1. I am not represented by counsel, and knowingly and voluntarily elect not to consult with counsel prior to entering this Consent Order. By this Consent and to resolve the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 (2014 Repl. Vol.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter and agree to abide by the terms and conditions set forth herein as a resolution of the Allegations against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing, as set forth above, and my right to appeal any adverse ruling of a disciplinary panel of the Board that might have followed any such hearing, and any right to appeal this Consent Order.
5. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

2-7-18  
Date

  
Erin Heather Traweek, the Applicant

**NOTARY**

STATE OF Baltimore City  
CITY/COUNTY OF Maryland

I HEREBY CERTIFY that on this 7<sup>th</sup> day of February, 2018 before me, a Notary Public of the State and County aforesaid, personally appeared Erin Heather Traweek and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

  
Notary Public

My commission expires \_\_\_\_\_  
D'ANDRE LEWIS  
NOTARY Public  
City of BALTIMORE  
STATE of MARYLAND  
My Commission Expires: Feb 5, 2021

