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Oregon Board of Massage Therapists

BEFORE THE STATE OF OREGON
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of **HARPER, LISA M.** LMT #16583 Licensee	Case No. **1406** Stipulated Final Order

1.

Pursuant to ORS chapter 687, the Oregon Board of Massage Therapists (*Board*) is the agency responsible for licensing, disciplining and regulating massage therapists in the State of Oregon.

2.

Lisa M. Harper (*Licensee*) is currently licensed to practice as a massage therapist in the State of Oregon and is subject to the jurisdiction of the Board. Licensee's last known address is 2693 NW Shields Drive #2, Bend, Oregon 97701.

FINDINGS OF FACTS

3.

3.1. The Board received a complaint that Licensee had participated in criminal activity against Witness 1. Witness 1 alleged that Licensee and another individual arrived at his home, with firearms and had slashed the tires on his vehicle. The other person with Licensee, Witness 2, was alleged to have been someone that Licensee was dating and whom had been a massage patient of Licensee.

3.2 Copies of police reports were obtained and they indicated that on March 24, 2012, Witness 1 contacted Bend Police Department due to his vehicle having slashed tires. Witness 1 told the officer he had been in a relationship with Licensee and had recently broken up and he believed her to be involved. Witness 1 had received a blocked phone message from a male earlier that evening saying they would "take him out." Witness 1 took this as a threat on his life very seriously.

3.3 When Bend police spoke to Licensee, it was determined by them that Licensee had given Witness 1's information to Witness 2 who had promised to assist Licensee in getting Witness 1 to leave her alone. Licensee claimed to Witness 2 that Witness 1 was harassing her.

3.4 Licensee said that Witness 2 had offered to stay outside her house to keep her safe from

Witness 1. Licensee claimed she was unaware that Witness 2 had gone to Witness 1's house to slash his tires until the police arrived. Witness 2 also admitted to sending a threatening text message to Witness 1. Witness 2 was eventually arrested for sending a threatening text message to Witness 1.

4.

4.1 Licensee involved a current patient to help her in her personal issues and eventually that patient Witness 2 committed a crime.

CONCLUSIONS OF LAW

5.

Based on the acts and conduct described above, the Board finds that Licensee committed:

5.1 One violation of ORS 687.081(1)(i), engages in unprofessional or dishonorable conduct;

5.2 One violation of OAR 334-030-0005(2)(c) the relationshp between the LMT and the client must ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and approriate use of personal power.

5.3 One violation of OAR 334-030-0055(3)(b) the relationship of LMT to self; the LMT must evaluate the quality and effectiveness of his or her professional practice activities;

5.4 One violation of OAR 334-040-0010(19)(e) any conduct or practice which could endanger the health or safety of a client or the public;

5.5 One violation of OAR 334-040-0010(19)(g) excercising undue influence on a client, in such a manner as to exploit the client for financial gain or self gratification of the massage therapist;

5.6 For a total civil penalty of $1,000.00.

STIPULATIONS AND FINAL ORDER

6.

6.1 The parties desire to settle this matter and, pursuant to ORS 183.415(5) stipulate and agree as follows in full and final settlement.

6.2 The Board has jurisdiction over Licensee, and over the subject matter of this proceeding.

6.3 The Board may issue and enter the Final Order.

6.4 Licensee has been advised of her right to request a hearing in this matter pursuant to ORS 183.415(2)(a) and to be represented at a hearing pursuant to ORS 183.415(3).

6.5 Licensee waives any and all rights to a hearing and waives any right to appeal or otherwise challenge the Final Order.

6.6 The Board has the right to take further action against Licensee for any violation of the terms of this order or any violation of ORS Chapter 687 or OAR Chapter 334. Further violations shall be grounds for prosecution and the full penalties of this case will be enacted.

6.7 Licensee shall pay a civil penalty of $1,000.00 payable to the Board in monthly payments of $200.00 due by the 25th of each month until paid in full. The first payment of $200.00 is due on August 15, 2013. The fine will be paid in total by Licensee's next renewal due date. However, if timely minimum payments are not made within 60 days of the order date or the scheduled payment date, the agency deems the full civil penalties will be enacted and will be accelerated and due and payable immediately. Collection of the amount owed may, in the discretion of the agency, be referred to collection or a lien may be filed for recovery against your assets.

DATED AND SERVED upon the above-named Licensee by regular and certified mail, addressed to Licensee at last known address, this 1ST day of July, 2013.

BOARD OF MASSAGE THERAPISTS
State of Oregon

Signature on File

Signature on File

BEFORE THE STATE OF OREGON
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of **HARPER, LISA M** LMT #16583 Licensee	)	Case No. **1406** **NOTICE OF PROPOSED ACTION** *(Civil Penalties)* and **NOTICE OF RIGHT TO HEARING**

1.

Pursuant to ORS chapter 687, the Oregon Board of Massage Therapists (*Board*) is the agency responsible for licensing, disciplining and regulating massage therapists in the State of Oregon.

2.

Lisa M. Harper (*Licensee*) is currently licensed to practice as a massage therapist in the State of Oregon and is subject to the jurisdiction of the Board. Licensee's last known address is 1515 NW 12TH ST #1, BEND, OR 97701.

FINDINGS OF FACTS

3.

3.1. The Board received a complaint that Licensee had participated in criminal activity against Witness 1. Witness 1 alleged that Licensee and another individual arrived at his home, with firearms and had slashed the tires on his vehicle. The other person with Licensee, Witness 2, was alleged to have been someone that Licensee was dating and whom had been a massage patient of Licensee.

3.2 Copies of police reports were obtained and they indicated that on March 24, 2012, Witness 1 contacted Bend Police Department due to his vehicle having slashed tires. Witness 1 told the officer he had been in a relationship with Licensee and had recently broken up and he believed her to be involved. Witness 1 had received a blocked phone message from a male earlier that evening saying they would "take him out." Witness 1 took this as a threat on his life very seriously.

3.3 When Bend police spoke to Licensee, it was determined by them that Licensee had given Witness 1's information to Witness 2 who had promised to assist Licensee in getting Witness 1 to leave her alone. Licensee claimed to Witness 2 that Witness 1 was harassing her.

3.4 Licensee said that Witness 2 had offered to stay outside her house to keep her safe from Witness 1. Licensee claimed she was unaware that Witness 2 had gone to Witness 1's house to slash his tires until the police arrived. Witness 2 also admitted to sending a threatening text message to Witness 1. Witness 2 was eventually arrested for sending a threatening text message to Witness 1.

4.

4.1 Licensee involved a current client to help her in her personal issues and eventually that client (Witness 2) committed a crime.

CONCLUSIONS OF LAW

5.

Based on the acts and conduct described above, Licensee committed:

5.1 One violation of ORS 687.081(1)(i), engages in unprofessional or dishonorable conduct;

5.2 One violation of OAR 334-030-0005(2)(c) the relationshp between the LMT and the client must ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and approriate use of personal power.

5.3 One violation of OAR 334-030-0055(3)(b) the relationship of LMT to self; the LMT must evaluate the quality and effectiveness of his or her professional practice activities;

5.4 One violation of OAR 334-040-0010(19)(e) any conduct or practice which could endanger the health or safety of a client or the public;

5.5 One violation of OAR 334-040-0010(19)(g) excercising undue influence on a client, in such a manner as to exploit the client for financial gain or self gratification of the massage therapist;

5.6 For a total civil penalty of $1,000.00.

6.

Based on the foregoing, the Board proposes to:

6.1 Access a civil penalty in the sum of $1,000.00; and

6.2 Licensee is assessed costs of this disciplinary proceeding, including attorney fees.

NOTICE OF RIGHT TO HEARING

7.

You have the right, if you so request, to have a formal hearing to contest the matter set out above, as provided by the Administrative Procedures Act (Chapter 183), Oregon Revised Statutes. You may be represented by an attorney at the hearing. Your request for hearing must be made in writing to the Board and ***received by the Board*** within 21 days from the date of mailing of this notice (or if not mailed, the date of personal service).

8.

If you request a hearing, before commencement of that hearing, you will be notified of the date, time, and location of the hearing, and you will be given information on the procedures, rights of representation, and other rights of the parties relating to the conduct of the hearing.

9.

If you fail to timely request a hearing, withdraw a hearing request, or fail to appear at a scheduled hearing, you shall have waived your right to a hearing and the Board may issue a Final Order by Default and impose against you the above sanctions. If the Board issues a Final Order by Default, it designates its file on this matter as the record for the purposes of proving a *prima facie* case.

DATED AND SERVED upon the above-named Respondent by regular and certified mail, addressed to Respondent at last known address, this 23rd day of January, 2013.

BOARD OF MASSAGE THERAPISTS
State of Oregon

Signature on File