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BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of ) CASE NO. 1476  
BARNES, LYNN E, LMT #: 676 ) STIPULATED AGREEMENT AND  
Licensee ) FINAL ORDER

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1.

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

2.

Lynn E. Barnes (*Respondent*) is not licensed to practice as a massage therapist in the State of Oregon. Respondent's last known address is 3820 SW DOLPH CT, PORTLAND, OR 97219.

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FINDINGS OF FACTS

3.

On 10/11/2012, the Board received a complaint indicating that Respondent was engaging in the practice of massage without an Oregon massage license. Contact was made, a massage was performed and Respondent was found to be in violation.

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4.

4.1 On 10/11/2012, the Board received a business card for the Respondent and information stating that she was engaging in the practice of massage without an Oregon massage license. The complaint indicated that the card was located at a local restaurant. Upon further review, it was discovered that Respondent had been licensed as an Oregon massage therapist on 11/03/1975 but that her license had lapsed on 12/31/2002, and had fully expired on 12/31/2005.

4.2 On 12/8/2012, a Board Investigator arrived for a scheduled massage at 3820 SW Dolph Ct Portland, Oregon 97219. Licensee was greeted by the Respondent outside the residence. Licensee invited Respondent in and had him complete a client intake form. Respondent had the investigator remove his shoes and allowed him to use the restroom. Respondent directed the investigator to a room which contained a massage table and chair. Respondent had a draping towel on the table and asked the investigator to cover himself with it and lay on his stomach. Respondent told the investigator to get undressed and she left the room. There was a stack of business cards on the dresser in the room. The investigator collected one. He then got undressed and lay on the table. Respondent returned to the room. Respondent asked the investigator what he wanted and he told her he wanted a half hour and to work on his back. Respondent said that she would charge him less for a half hour and he would save money.

4.3 Respondent began on the investigator's right shoulder and upper back applying lotion and massaging the muscles on his back. Respondent said that she could feel a swollen muscle and worked on the area. Respondent massaged the investigator's upper arm and moved to the left side and worked the upper back and shoulder. Respondent also worked on the right side doing chopping type strikes to the back. Respondent massaged the investigator's back down to his waist. Respondent wiped the lotion off the investigator's back with a warm towel. Respondent also massaged the back of the investigator's neck. Respondent climbed onto the top of the table, kneeling on the table and massaged the

1 Investigator's back. Respondent then returned to the side of the table and massaged the Investigator's  
2 right side upper back doing the chopping strikes again. Respondent said that she was done and for the  
3 Investigator to get dressed and she left the room. The Investigator then dressed and exited the room.

4 4.3 The Investigator exited the room and identified himself to the Respondent. He asked to see  
5 her massage license. She said that she didn't have one and that she didn't need one since she was not  
6 saying she was a LMT. The Investigator told her that if she does massage for a fee in Oregon she is  
7 required to be licensed. She said that she had gotten a corporate job and let her license expire. She said  
8 that she worked in the corporate job for 16 years and was laid off. She was trying to make ends meet so  
9 she started doing massage. She said that she had checked with OBMT and she was required to get her  
10 license and she was told she had to take all the classes and pay one thousand dollars which she could  
11 not afford.

12 5.

13 On February 7, 2013, Notice of Proposed Action (Civil Penalty) and Rights to a Contested Case  
14 Hearing (Notice). The board received a request for hearing notification from the respondent on February  
15 12, 2013. In the Notice of Proposed Action, the Notice indicated that for the purposes of default, the Board  
16 record herein would be used as prima facie evidence of the record. On December 10, 2013, Respondent  
17 withdrew her request for hearing.

18 CONCLUSIONS OF LAW

19 6.

20 Based on the facts and conduct described above, Licensee was found to have violated Board  
21 Rules and Statutes as follows:

22 6.1 One violation of ORS 687.021(2)(a), advertising for massage without a license; and

23 6.2 One violation of ORS 687.021(1), engaging or purporting to practice massage without a  
24 license; OAR 334-040-0010(1), Practicing massage or representing one's self as a massage therapist  
25 without a current active license issued by the Board; and OAR 334-040-0040(11), Practicing or purporting  
26 to practice massage when the license has been revoked or suspended, lapsed or inactive;



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IT IS SO STIPULATED AND AGREED TO BY:

Signature on File 2013

BOARD OF MASSAGE THERAPISTS

Signature on File 2/20/13