

BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of

Case No. 1485

**HAYNES, RYAN M**  
LMT #17009

**FINAL DEFAULT ORDER**  
*(REVOCATION)*

Licensee

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.

Ryan M. Haynes (*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 Main Street, Apartment #9, Springfield, Oregon 97477.

**FINDINGS OF FACTS**

3.

3.1 The Board received information from Client 1 that an inappropriate massage had occurred while Licensee was working at the Eugene Oregon Massage Envy location on November 10, 2012. Client 1 indicated that as she began to doze off in the massage, and while lying on her back, Licensee massaged up her thigh, under her underwear at her hip, began to rub her clitoris, and then ran his hand up her body and grabbed her left breast, then ran his down back to her vaginal area. Client 1 reported this to the Eugene Police Department on November 12, 2012 and Licensee was arrested on that same date for sex abuse III by Eugene Police Department.

3.2 Licensee denied to the police ever touching Client 1 in the manner she described. The Lane County District Attorney's office is currently reviewing the investigation in regards to filing criminal charges.

3.3 Client 2 had been a client of Licensee's for five years and paid a monthly subscription fee for

1 massages. She began in June 2012 and had a total of five massages. She had one in February 2013 that  
2 was a one hour massage. She requested deep tissue on her neck and shoulders. When she was  
3 beginning to change for her massage, Licensee stayed in the room a long time and she had to hint that he  
4 needed to leave so she could change. While face down on the table Licensee pushed down the draping so  
5 her underwear showed. After finishing massage on her back he moved the draping completely to the side  
6 exposing her entire gluteal cleft. When asked to roll over, instead of holding the draping in a tent fashion or  
7 to one side, Licensee lifted the draping up high exposing her to his view. She rolled onto her back and had  
8 to cover her breasts with her arms until the draping was put back. As licensee massaged alongside of her  
9 hip and down her body, Licensee was pushing the draping down, exposing her breasts. He did this  
10 approximately 6 times lasting 10 to 20 seconds each. The last three times Licensee did this, her breasts  
11 were fully exposed. While he was doing this, Licensee would lean over her and was breathing very heavily  
12 in her face. Licensee also pressed the lower part of his body against her head while performing this  
13 maneuver. On one occasion he ran his hands over both breasts in a circular fashion touching her entire  
14 breasts and her nipples. While licensee was standing beside Client 2 during massage, he would rub the  
15 sides of his body against her arms, and Client 2 felt very uncomfortable with this. Client 2 did not discuss  
16 nor request any breast massage from Licensee.

17 3.4 Client 2 reported her experiences with Licensee to the Eugene Police Department.

18 4.

19 4.1 At their January 14, 2013 and May 17, 2013 board meetings, the Board reviewed the  
20 police investigation and statement of Licensee. The Board felt that the information provided by Client 1 and  
21 Client 2 were credible and voted to issue a proposed notice of revocation.

22 4.2 Licensee timely requested a hearing for the Proposed Notice of Discipline and one was set on  
23 August 13 and 14, 2013. In the Proposed Notice of Discipline and the Amended Proposed Notice of  
24 Discipline, Licensee was notified that the record herein would be used as prima facie evidence in a default  
25 order if he failed to show for hearing. On August 13, 2013, Licensee failed to show for his hearing and the  
26 ALJ deemed a default as a result.

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CONCLUSIONS OF LAW

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

5.1 Two violations of ORS 687.081(1) (i), engaging in unprofessional or dishonorable conduct;

5.2 Two violations of OAR 334-040-0010 (19)(a)(A) and (C), sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; and sexual impropriety which is any behavior, gestures or expressions that are seductive or sexually demeaning to a client; including an examination or touching of the genitals.

5.3 One violation of OAR 334-040-0010(19)(d), intentionally harassing, abusing or intimidating a client, either physically or verbally.

ORDER

6.

Based on the foregoing, the Board hereby revokes licensee's massage license; and Licensee is assessed costs of this disciplinary proceeding, including attorney fees.

DATED AND SERVED upon the above-named Respondent by regular and certified mail, addressed to Respondent at last known address, this 2<sup>nd</sup> day of August, 2013.

**BOARD OF MASSAGE THERAPISTS**  
State of Oregon

By: **Signature on File**

Appeal Rights:

You are entitled to judicial review of this order in accordance with ORS Chapter 183.480.

You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon

Within 60 days from the date of this order.

BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of

Case No. 1485

HAYNES, RYAN M  
LMT #17009

Licensee

FIRST AMENDED NOTICE OF  
PROPOSED ACTION  
(Suspension)  
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.

Ryan M. Haynes (*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 Main Street, Apartment #9, Springfield, Oregon 97477.

**FINDINGS OF FACTS**

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3.1 The Board received information from Client 1 that an inappropriate massage had occurred while Licensee was working at the Eugene Oregon Massage Envy location on November 10, 2012. Client 1 indicated that as she began to doze off in the massage, and while lying on her back, Licensee massaged up her thigh, under her underwear at her hip, began to rub her clitoris, and then ran his hand up her body and grabbed her left breast, then ran his down back to her vaginal area. Client 1 reported this to the Eugene Police Department on November 12, 2012 and Licensee was arrested on that same date for sex abuse III by Eugene Police Department.

3.2 Licensee denied to the police ever touching Client 1 in the manner she described. The Lane County District Attorney's office is currently reviewing the investigation in regards to filing criminal charges.

3.3 Client 2 had been a client of Licensee's for five years and paid a monthly subscription fee for

1 massages. She began in June 2012 and had a total of five massages. She had one in February 2013 that  
2 was a one hour massage. She requested deep tissue on her neck and shoulders. When she was  
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15 sides of his body against her arms, and Client 2 felt very uncomfortable with this. Client 2 did not discuss  
16 nor request any breast massage from Licensee.

17 3.4 Client 2 reported her experiences with Licensee to the Eugene Police Department.  
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19 4.

20 4.1 At their January 14, 2013 and May 17, 2013 board meetings, the Board reviewed the  
21 police investigation and statement of Licensee. The Board felt that the information provided by Client 1 and  
22 Client 2 were credible and voted to issue this proposed notice of suspension.  
23

#### 24 CONCLUSIONS OF LAW

25 5.

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

5.1 Two violations of ORS 687.081(1) (i), engaging in unprofessional or dishonorable  
conduct;



1 DATED AND SERVED upon the above-named Respondent by regular and certified mail,  
2 addressed to Respondent at last known address, this 19<sup>th</sup> day of June, 2013.  
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4 BOARD OF MASSAGE THERAPISTS  
5 State of Oregon



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BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of

Case No. 1485

**HAYNES, RYAN M**  
LMT #17009

**NOTICE OF PROPOSED ACTION**  
*(Suspension)*  
and  
**NOTICE OF RIGHT TO HEARING**

Licensee

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3.2 Licensee denied to the police ever touching Client 1 in the manner she described. The Lane County District Attorney's office is currently reviewing the investigation in regards to filing criminal charges.

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4.1 At their January 14, 2013 board meeting, the Board reviewed the police investigation and statement of Licensee. The Board felt that the information provided by Client 1 was credible and voted to issue this proposed notice of suspension.

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**CONCLUSIONS OF LAW**

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

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

5.2 One violation of OAR 334-040-0010 (19)(a)(A) and (C), sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; and sexual impropriety which is any behavior, gestures or expressions that are seductive or sexually demeaning to a client; including an examination or touching of the genitals.

6.

Based on the foregoing, the Board proposes to:

6.1 Suspend licensee's massage license pending outcome of the criminal matter in Lane County; 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.

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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 23<sup>rd</sup> day of January, 2013.

**BOARD OF MASSAGE THERAPISTS**  
State of Oregon

**Signature on File**