

BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of

Case No. 1540

GARCIA LOPEZ, ISIS K,

**FINAL DEFAULT ORDER**

Licensee.

*(Civil Penalties)*

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.

Isis K. Garcia Lopez (*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 1123 NE BARAGER AVE, ROSEBURG, OR 97470-5621.

**FINDINGS OF FACTS**

3.

The Board received a complaint regarding possible issues of unprofessional or dishonorable conduct on the part of the Licensee. Contact was made and an interview was conducted and Licensee was found to be in violation.

4.

4.1 While investigating another case regarding the practice of massage without a license, the Board became concerned after receiving reports that the Licensee allowed an unlicensed practitioner to engage in massage with the Licensee's knowledge, contrary to Licensee's standards of professional conduct.

4.2 On 4/10/2013 the investigator contacted the Licensee by phone and identified himself as a Board investigator. He requested an appointment to discuss the complaint; they scheduled for the next day, 4/11/2013, at a local business in Roseburg, Oregon.

4.3 The investigator arrived at the appointment on 4/11/2013 and positively identified the Licensee. The investigator asked the Licensee numerous background questions before proceeding to ask specific questions regarding the possible use of her license by an unlicensed practitioner. The

1 Licensee responded that she worked at Better Life Chiropractic and Massage full time for approximately  
2 two years and part-time for approximately one year. In January 2013, however, she resigned. At the time  
3 of the interview, Licensee worked primarily providing outcall massage, along with a few appointments in  
4 her home in Roseburg. Licensee rented out the extra rooms in her home primarily to friends. The home  
5 also had a massage room, stocked with a table, linens, lotions, etc. Licensee met the suspect at Better  
6 Life Chiropractic and Massage when the suspect was a client of the Licensee's. The two became friends  
7 and eventually the suspect moved in into the Licensee's home. The Licensee allowed the suspect to pay  
8 what she could; knowing she was low on funds and saving for massage therapy school. The Licensee  
9 never questioned the suspect's source of income; she knew she gave massages to people, mostly  
10 friends, but had never observed any money or other forms of payment change hands. The Licensee,  
11 working at Better Life at the time, rarely saw the suspect during the day and never referred anyone to her  
12 nor did she allow the suspect to work on any of Licensee's clients. The Licensee denied ever allowing the  
13 suspect to use her license, knowing it to be a serious violation of rules and regulations. The Licensee was  
14 not concerned the suspect was charging for massage until she found entries in her receipt book from the  
15 suspect in 1/2013 going all the way back to 8/2012. When Licensee confronted the suspect, an argument  
16 broke out and the suspect left, which was not an unusual occurrence. In 2/2013 the suspect moved out  
17 for good. On 3/14/2013, the Licensee gathered information from the records and notes and filed a  
18 complaint with the Board. The Licensee said she had not reported the suspect before because she had  
19 not known for sure if the suspect was charging for massages, especially since a lot of the names in the  
20 receipts were names of the suspect's friends who may not have been charged. The Licensee believed  
21 this complaint against her to be some sort of payback or a way to reduce the suspect's own wrongdoing.

22 5.

23 On 08/05/2013, a Notice of Proposed Action (Civil Penalties) and a Notice of Right to Hearing  
24 (Notice) were served upon the Licensee by regular and certified mail. In the Notice of Proposed Action,  
25 the Notice indicated that for the purposes of default, the Board record herein would be used as prima  
26 facie evidence of the record. On 08/12/2013, the Licensee submitted payment of \$500, the full  
proposed civil penalty, to the Board. Payment was issued by personal check and accepted by the Board.

1 **CONCLUSIONS OF LAW**

2 6.

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

4 6.1 OAR 334-040-0010(12), assisting, employing, or permitting an unlicensed person to  
5 practice massage.

6 **ORDER**

7 7.

8 Based on the foregoing, the Board ORDERS assessment of a civil penalty in the amount of \$500  
9 for:

10 7.1 One violation of OAR 334-040-0010(12), pursuant to ORS 687.250(2), pursuant to ORS  
11 687.250(2). **This civil penalty was paid in full on 08/12/2013.**

12  
13 DATED AND SERVED upon the above-named Licensee by regular and certified mail, addressed  
14 to Licensee at last known address, this \_\_\_\_\_ day of August, 2013.

15  
16  
17 **BOARD OF MASSAGE THERAPISTS**  
18 State of Oregon

19  
20 **Signature on File**

21 A party is entitled to judicial review of the Final Order of the Board of Massage Therapists by the Oregon Court of Appeals  
22 pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review  
23 with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482  
24 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the  
25 date the order upon which the petition is based is served.  
26

BEFORE THE STATE OF OREGON  
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of

Case No. 1540

**GARCIA LOPEZ, ISIS K**  
LMT #17016

**NOTICE OF PROPOSED ACTION**  
*(Civil Penalties)*  
and  
**NOTICE OF RIGHT TO HEARING**

Licensee

1.

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2 himself as a Board investigator. He requested an appointment to discuss the complaint; they scheduled  
3 for the next day, 4/11/2013, at a local business in Roseburg, Oregon.

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6 to ask specific questions regarding the possible use of her license by an unlicensed practitioner. The  
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this complaint against her to be some sort of payback or a way to reduce the suspect's own wrongdoing.

1  
2 CONCLUSIONS OF LAW

3 5.

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

5 5.1 OAR 334-040-0010(12), assisting, employing, or permitting an unlicensed person  
6 to practice massage.

7  
8 6.

9 Based on the foregoing, the Board proposes to:

10 6.1 OAR 334-040-0010(12), pursuant to ORS 687.250(2);

11 6.2 For a total civil penalty of \$500; and

12 6.3 Licensee is assessed costs of this disciplinary proceeding, including attorney fees.  
13

14 NOTICE OF RIGHT TO HEARING

15 7.

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

22 8.

23 If you request a hearing, before commencement of that hearing, you will be notified of the date,  
24 time, and location of the hearing, and you will be given information on the procedures, rights of  
25 representation, and other rights of the parties relating to the conduct of the hearing.  
26

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 5<sup>th</sup> day of August, 2013.

BOARD OF MASSAGE THERAPISTS  
State of Oregon

Signature on File