



Oregon Board of Massage Therapists

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APPROVED
8/10/06 MS

Board Meeting Minutes July 13, 2006

Board Members:

Jacqueline McCal, LMT, Chair
Sheree Fields
Stephanie Manriquez, LMT

Jackie Kern
Lisa Oxman, LMT

Staff:

Patty Glenn, Executive Director
Diana Nott, Law Enforcement Coordinator

Michelle Sherman, Office Manager

Call to order

McCal called the public meeting to order at 10:05 am. All Board members were in attendance via telephone.

1) Approve Agenda

Oxman moved to approve agenda. **In favor: McCal, Oxman, Kern, Manriquez, and Fields.**
Opposed: None. Motion carried.

2) Approve Minutes

Manriquez moved to approve the June 8, 2006 meeting minutes. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

3) Public Forum

No public in attendance.

4) Law Enforcement Actions

Case #10-04-302 Jacqueline Groher: Allegation: Unlicensed advertising. A hearing was held on April 24, 2006. The ALJ ruled that the Board did not meet the burden of proof. **Recommendation:** Approve the Final Order for dismissing the Notice of Proposed Action for civil penalty. **Oxman** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #1-05-346 Crystal Brown a.k.a. Kiley: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for four violations of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and four violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$7,500. **Kern** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #5-05-355 Steven Walker: Allegation: Unlicensed advertising and practice of massage while license status is Auto-Expired. A hearing was held on May 19, 2006. The ALJ upheld the decision of the Board to assess a total civil penalty of \$8,500 for two violations of advertising and seven violations of practicing massage without a license. **Recommendation:** Approve the Final Order as the ALJ has proposed. **Fields** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #7-05-381 Paul Johnson: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and four violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$3,500 and forward to Portland Vice. **Manriquez** so moved. **In favor: McCal, Kern, Manriquez, and Fields. Opposed: Oxman. Motion carried.**

Case #7-05-383 Lauren Glandon a.k.a. Daniella Delight: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for two violations of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and 31 violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$21,000 and forward to Portland Vice and Oregon School of Massage. **Kern** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #8-05-397 Amy Simpson: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue an Amended Notice of Proposed Action for two violations of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and six violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$8,000 and forward to Portland Vice and East West College. **Oxman** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #10-05-406 Denise Anson: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and two violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$2,500. **Oxman** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #10-05-429 Rose Damour: Allegation: Practicing massage without a license. **Recommendation:** Close case as C05—Reprimanded. **Oxman** so moved. **In favor: McCal, Oxman, Kern, and Fields. Abstained: Manriquez. Motion carried.**

Case #2-06-464 Wendy Stooks: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license and one violation of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$1,500. **Kern** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #10-05-465 Beatrice Conroy: Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$500. **Fields** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #5-06-471 Lynn Edeline: Allegation: Practicing massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(1) practicing massage without a license for a total civil penalty of \$500. **Manriquez** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields. Opposed: None. Motion carried.**

Case #6-06-483 Dino Ricchi: Allegation: Practicing massage and advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for one violation of ORS 687.021(1) engaging in or purporting to be in the practice of massage without a license for a total civil penalty of \$500. **Manriquez** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields.**
Opposed: None. Motion carried.

Case #6-06-485 Ben Ross: Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for 10 violations of ORS 687.021(1) practicing massage without a license for a total civil penalty of \$9,500. **Kern** so moved. **In favor: McCal, Oxman, Kern, Manriquez, and Fields.**
Opposed: None. Motion carried.

Case #3-05-327 C12 Insufficient Evidence (*complainant wouldn't produce evidence*)

Case #4-05-349 C21 Unable to Locate

Case #6-05-364 C21 Unable to Locate

Case #9-05-410 C01 Compliance met

Case #7-05-411 C21 Unable to Locate

Case #3-06-451 C03 Allegations Withdrawn (*was unaware of violation of co-worker*)

Case #4-06-460 C10 Insufficient Grounds (*LMT has the right to refuse service*)

Case #3-05-463 C25 No Violations Found (*Aesthetician in her scope of practice*)

Case #4-06-468 C15 Not a Board Issue (*Forward to OBME – acupuncturist*)

Case #4-06-469 C13 Letter of Concern (*clear communication on rate structure*)

Case #4-06-472 C13 Letter of Concern (*recommend small business course*)

Case #6-06-481 C25 No Violations Found (*spoke with her about verbiage in ads*)

5) Public Comments – Opportunity to share thoughts that pertain to agenda items.

No public in attendance.

6) Announcements

Board member applications: Nancy Goss Duran, Executive Appointments Director for the Governor's Office, is working to fill the LMT position by the end of July. We are still looking for candidates for the public health related position.

Task Force w/ HLA: A meeting is tentatively scheduled for August 4, 2006. Board members from both agencies will participate in a meeting to understand the requirements of each agency. Oxman, Fields, and McCal will represent the Board.

Financial Update: The Board was a victim of fraudulent debit card charges. Upon notice the card was immediately cancelled and a replacement issued. US Bank's Fraud Division is making adjustments to restore funds.

Federation Update: The Federation is meeting in Chicago July 15, 16, 17 and 18 to begin development of the Entry Level licensing exam. Individuals from around the United States with expert knowledge in the massage and bodywork fields will be in attendance.

All Schools meeting: An All Schools meeting is scheduled for August 25th at 10am and is being held at the Board office.

Board Meeting: The next Board meeting is scheduled for August 10th at 10am. All are welcome.

- 7) **Adjourn Meeting— Oxman** moved to adjourn the meeting. **In favor: McCal, Oxman, Kern, Manriquez and Fields. Opposed: None. Motion carried.** Meeting adjourned at 11:55am.