

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

Date: February 12, 13, 2007

Time: 9:00 a.m. C.S.T.

Location: 227 French Landing
1st Floor, Iris Room
Nashville TN 37228

February 12, 2007

Members Present: Kirsten VandeBerg, LMT, Secretary
Beverly Chumbley, RN, LMT
Juliana Glasgow-Trotman, LMT
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio Member

Members Absent: Rebecca Eichel, LMT, Chairperson
Phyllis Salyers, LMT

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Ernest Sykes, Advisory Attorney
Bob Kraemer, Advisory Attorney

A quorum being present, the Board meeting was called to order by Ms. VandeBerg at 9:08 a.m.

Conflict Of Interest

Mr. Sykes reviewed the Conflict of Interest Policy with the Board.

Minutes

Ms. Chumbley made a motion to approve the minutes of the November 13, 14, 2006 Board meeting as written. Ms. Field seconded the motion. The motion carried.

Rules

Mr. Jerry Kosten presented rules to be sent for a Rulemaking Hearing on April 17, 2007 regarding use of titles in advertising; addition of continuing education course providers; course approval process and deadlines and peer assistance program visitations in schools.

Ms. VandeBerg suggested leaving the forty-five (45) day requirement for course sponsors and adding a new rule for individual licensees to be able to submit a course for approval if taken within the current two-year renewal cycle. She further questioned how individual licensees would be able to obtain and submit the same information as course providers such as resume of lecturers and how verification of attendance would be documented. Mr. Kramer suggested the licensee be required to submit a brochure or agenda of the course which indicates the hours.

After discussion the language will read "Individual licensees may receive continuing education credit for courses presented out of state with the Board's subsequent approval, if the course is presented during the continuing education cycle in which the licensee is requesting credit be applied upon submitting the following to the Board Administrative Office: number of hours of educational credit requested; date of course; copies of materials to be utilized in the course, upon a Board request, the course provider's telephone number, and the course provider's pre-printed brochure, agenda or other materials which describe and/or advertise the course."

A discussion was held concerning allowing peer assistance in schools. It was suggested for the language to read 'As a prerequisite to approval or continued approval, the Board's professional peer assistance program must be allowed to make a presentation upon request.'

Prior to authorizing a rulemaking hearing, and in accordance with Executive Order #38, the Board discussed and considered the economic impact of the proposed rule language to small businesses.

Ms. Chumbley made a motion to authorize a rulemaking hearing. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Applicant Interviews

Glenda Bryan/Ocoee Therapeutic Massage

Ms. Bryan appeared before the Board to give explanation for answering "No" to the question on the application which asked "Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation" when in fact she was convicted for public intoxication in 2003. Ms. Bryan explained she was unaware of the conviction until she was notified by Board staff. Ms. Glasgow-Trotman made a motion to refer Ms. Bryan to Lighthouse Professional Services for an evaluation and that she appear back to the Board at its May meeting. Ms. Chumbley seconded the motion. The motion carried.

Jon Matthew Mandeville

Mr. Mandeville appeared before the Board to give explanation to a DUI conviction in 2005. Ms. Smithson of Lighthouse Professional Services advocated for Mr. Mandeville. Ms. Chumbley made a motion to approve Mr. Mandeville for licensure. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Lorene Misty Goodner

Ms. Goodner appeared before the Board to give explanation to a disorderly conduct conviction in 2002. Ms. Goodner self-reported to Lighthouse Professional Services. Ms. Smithson advocated for Ms. Goodner but recommended she remain in the Lighthouse program for six (6) months. Ms. Chumbley made a motion to approve Ms. Goodner for licensure and that she remain in the Lighthouse program for six (6) months. Ms. Field seconded the motion. The motion carried.

Kirk Jones, D.C./Bellevue Chiropractic Center

Dr. Jones appeared before the Board to give explanation to a felony conviction for mail fraud in 2000. During discussion, questions were raised concerning Dr. Jones not disclosing his disbarment. Dr. Jones responded to the Board it was an oversight. Due to the large volume of papers to review, Ms. Chumbley made a motion to hold Dr. Jones' application for an establishment license until their next meeting. Ms. Field seconded the motion. The motion carried.

Amy Cox/ The Renaissance

Ms. Cox appeared before the Board to give explanation for answering "No" to the question on the application which asked "Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation" when in fact she was convicted of a DUI in 2001, was fined \$1645.00 and sentenced to five (5) days community service. Ms. Cox was arrested in 2003 and spent five (5) days in jail for not completing her community service. Ms. Cox explained she thought a DUI was not considered more than a minor traffic violation.

During discussion Ms. Cox stated she bought The Renaissance in November 2006 and has been offering massages since that time and thought it was legal to do so since the previous owner had an establishment license. Ms. Cox's partner in the establishment, Ms. Patricia Patterson, addressed the Board and told them she assisted Ms. Cox with the application and that she too misunderstood the question. When questioned by the Board if either of them had read the massage rules and regulations, they both indicated they had read the cosmetology rules and thought they were the same.

Ms. Chumbley made a motion to grant an establishment license upon Ms. Cox and Ms. Patterson completing a two hour course each in Tennessee law and regulations and ethics and that they do not provide massage therapy services until the license is granted. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Consider raising the minimum age for licensure to twenty-one (21) and for instructors to age twenty-five (25) with five (5) years experience

Mr. Sykes advised the Board it would take a law change to raise the minimum age for licensure and that raising the minimum age of either could possibly be considered age discrimination. He suggested requiring more experience for an instructor.

Mr. Justin Hill of Concord Career College addressed the Board and suggested requiring a BA degree. Mr. Steve Harper of Bodyworks School of Massage addressed the Board and asked the Board not to put too many restrictions on the requirements.

After further discussion, Mr. Sykes agreed to research the requirements of the Tennessee Higher Education Commission (THEC) and report back at the March meeting.

Ms. Field made a motion to postpone any action until the March meeting. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Discuss publishing examination passage rates

After lengthy discussion, staff will send a letter to THEC and TBR requesting a list of approved schools. Ms. Bell will speak with Sally Hacking and Paul Parker to see what the National Board can provide. Staff will also publish, on the Boards' website, the scores already provided by schools who have submitted their annual report.

Discuss establishment licensure requirements for massage schools

Mr. Sykes advised the Board that the law is clear, if the school is providing massage therapy for compensation it must be licensed as a massage establishment. Ms. VandeBerg has a concern with the inspector requesting to inspect the whole school rather than the portion of the school licensed as an establishment. The inspector should not be trying to inspect the school, staff will address this with her.

Discuss ethic regulations for massage schools

Mr. Harper addressed the Board, he has concerns with agents and recruiters giving out false information about other schools. He stated THEC has rules pertaining to ethics and suggested the Board include the same language in their rules. Mr. Sykes suggested adding a sentence to the school rules requiring that all massage schools must comply with rule fifteen (15) of the THEC rule. Mr. Sykes will draft a rule and bring it to the March meeting.

Mr. Sykes reminded the Board this type of action could fall under the Board's advertising rule and if someone is falsely advertising, a complaint could be filed with the Department.

Administrator/Directors Report

Ms. Birkner presented the report regarding statistical information and license status activity since the last meeting which indicated the following:

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
Active Licensees – 4115	Active Licensees – 1268
Retired Licensees – 485	Retired Licensees –239
Failed to Renew – 1429	Failed to Renew – 268

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>October 2006</i>	<i>October 2006</i>
Newly Licensed – 43	Newly Licensed – 35
Reinstates – 8	Reinstates- 2
Retired- 4	Retired-10
New Applications-26	New Applications-34

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>November 2006</i>	<i>November 2006</i>
Newly Licensed – 38	Newly Licensed – 22
Reinstates – 1	Reinstates- 2
Retired- 12	Retired-7
New Applications-32	New Applications-27

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>December 2006</i>	<i>December 2006</i>
Newly Licensed – 21	Newly Licensed – 26
Reinstates – 3	Reinstates- 1
Retired- 12	Retired-7
New Applications-19	New Applications-26

Ms. Birkner reported that effective January 15, 2007 the mileage rate increased to .46 a mile and lodging increased to \$99.00 a day. Ms. Birkner also reported that staff has received the on-line

program from the NCBTMB to obtain examination scores and that she has requested technical support to install the program.

Establishment Inspection Report

Ms. Birkner reported there were three hundred eighty-two (382) inspections conducted during the period of October-December 2006; one hundred forty-eight (148) in Middle Tennessee, one hundred eighty-six (186) in East Tennessee and forty-eight (48) in West Tennessee.

The following deficiencies were cited in Middle Tennessee

November:

- Table not cleaned daily
- No smoke detector for client area
- No copy of massage therapist license
- Table cleaned monthly
- No smoke detector for every four rooms
- Massage therapist license not available
- Needs one additional smoke detector and one smoke detector not working
- Shower not clean, massage therapist licenses not current on 2 therapists
- No smoke detector for every four rooms, smoke detector does not work
- Copy of massage therapist license not available
- Bowls used for oil are not sanitary; copies of two massage therapists' licenses are not available
- Massage lotion bottles including, especially caps and spouts dirty, table cleaned weekly
- Table cleaned weekly
- No smoke detector
- No smoke detector-needs two

December:

- Massage therapist license not available
- One massage therapist license not available
- Not enough smoke detectors-need three plus batteries
- Cleans table weekly
- No smoke detectors-install three plus batteries
- Cleans table two times a week
- No hot water-(Per inspector nothing therapist can do to provide)
- Cleans table weekly-works daily
- Needs one smoke detector plus battery
- No smoke detector
- Needs one smoke detector plus battery
- Smoke detector not working-buy and install battery
- Establishment and therapist license expired
- No smoke detector-needs batteries
- Has clients three times a week, cleans tables less than three times a week

- No smoke detector/battery
- One smoke detector short, one not working
- Does not clean table daily
- No smoke detector, no hot water (per inspector owner can not correct)
- Needs one smoke detector plus batteries
- Needs one smoke detector plus battery, no massage therapist available
- Cleans table weekly
- Needs one smoke detector plus battery
- Cleans table monthly

The following deficiencies were cited in East Tennessee:

October:

- No massage therapist
- Massage therapist license not available, no fire extinguisher
- Fire extinguisher not working
- No massage therapist
- Massage therapist license not available
- No hot water
- No massage therapist
- No smoke detector
- Massage therapist license not available

November:

- Massage therapist license not current
- No fire extinguisher
- No massage therapist
- No hot water
- Smoke detector not working
- Massage therapist license not displayed
- No massage therapist
- Fire extinguisher not working
- No massage therapist
- No massage therapist
- Massage therapist license not displayed
- No massage therapist
- No fire extinguisher
- Massage therapist license not available
- Massage therapist license not available
- Establishment license and therapist license not available
- No massage therapist license available
- No massage therapist
- No massage therapist
- No hot water

-Massage therapist license not current

December:

- No smoke detector
- Massage establishment license expired
- No massage therapist
- No massage therapist

The following deficiencies were cited in West Tennessee:

October:

- Other two massage therapists do not keep linens at spa (three therapists' total)
- No massage therapist license posted, massage room floor cleaner and bath room sink
- No smoke detector
- No smoke detector

November:

- Needs one more smoke detector
- One smoke detector short

December:

- No valid massage therapist license (ie: license expired), no disinfectant, does not clean table daily
- Cleans table weekly
- Cleans table three times a week and sees clients daily
- Needs one more smoke detector

Investigation/Disciplinary Report

Ms. Lea Phelps presented the Investigative Report which indicates thirty-six (36) new complaints have been received from January through December 2006 for massage therapists and establishments. In the same time period a total of forty-eight (48) complaints have been closed; eighteen (18) with no action, twenty-one (21) referred to the Office of General Counsel, three (3) with a letter of concern, four (4) with a letter of warning and two (2) pending court action. There are currently ten (10) open cases in Investigations.

Ms. Phelps reported on the collection of civil penalties. Collections have been received for 80% for unlicensed practice; 59 % on probation; 100% on reprimands and 31% with revocations; 56% from suspended licenses and an overall percentage of 78%.

Financial Report

The Board reviewed the report.

Office of General Counsel Report

Mr. Kraemer reported the following:

Continuing Education, Board Orders and Establishment Enforcement Amendments (05-1609) These amendments went to rulemaking hearing on March 3, 2006. They were adopted by the Board on May 8, 2006 and were sent to the Attorney General on May 10, 2006. They are still there.

Reciprocity, Applications, Examinations and Continuing Education (06-1326) The amendments went to rulemaking hearing on October 25, 2006. They were adopted by the Board on November 13, 2006 and were sent to the Attorney General on November 17, 2006. They are still there.

Litigation:

The Office of General Counsel currently has fourteen (14) open disciplinary cases pertaining to the Massage Board.

Federation of Associations for Regulatory Board's (FARB) Annual Meeting

Ms. Glasgow-Trotman and Ms. Eichel attended the meeting. Ms. Glasgow-Trotman reported it was an excellent meeting and she handed out a two page report which gave an overview of the discussions for assessment of applications; board staff perspectives; criminal background checks; how to run an efficient board meeting and new legislation impacting boards. It is Ms. Glasgow-Trotman's recommendation that the full Board and staff attend the FARB meeting in the future.

Request for Continuing Education Waiver

Carla D. Bailiff, LMT

Ms. Bailiff submitted a letter requesting a waiver of her 2005-2006 continuing education due to illness. After a lengthy discussion Ms. Chumbley made a motion to defer action on her request until Ms. Bailiff can provide a detailed explanation as to why she was unable to obtain the required continuing education though she was able to complete massage school and a more detailed letter from her physician detailing how and why her specific medical condition(s) prohibited her from obtaining the continuing education hours. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Review and Discuss Legislation

Ms. Bell reported that as of Friday, February 9, 2007, the Division had over ninety (90) bills to analyze and requested that if a bill is sent to them for review that they review them as soon as possible due to the short turn around time the Division has to respond to a bill.

Consider Approval of the Lighthouse Professional Services Contract

Ms. Chumbley made a motion to extend the Lighthouse Professional Services contract for one year and to increase the contract by the allowable amount of increase that does not require the contract to go back to Finance and Administration, up to 10%. Ms. Field seconded the motion. The motion carried.

Ratifications

Ms. Chumbley made a motion to ratify all new and reinstated licenses for massage therapists and massage establishments issued from October 26, 2006 through January 25, 2007. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Massage Therapists

RHONDA KAYE ADKINS
MARANDA LARAY ALFORD
NATHAN BRIAN ATCHLEY
PEGGY N ATKINS
MELODY SUZANNE BARKER
CATHY JO BARLETTA-CONKLIN
KELLEY JEAN BERAN
JUNE BIANCHINI
SARAH ELIZABETH BLAYLOCK
AMANDA GAYLE BRAZIER
RACHEL ANN BROWDER
BURNADETTE JEAN CANTRELL
MICHAEL ANDERSON CARROLL
PAMELA R CHAMBERLAIN
DANIEL W CHISOLM
TRACY DEANNE CLEAVELIN
EMILY JO CORNFORTH
NIKKI FELTS CREWS
CATHERINE VALERIA
DANIELSON
KARISSA MICHELLE DARNELL
MARLA EVE DAVIS
MARLENA RACHEL DECKER
ERINN MARIE DENT
JENYFER DANYAL DRIGGERS
JULIE LYNN DUNLAP
BETHANN KAY EASTERLY
KENNETH EDWARD ELBERSON
FRANCES RHIANNON FABISH
KATRINA LYNN FERGUSON
SUSAN DELORIS FLINT
STEPHEN PATRICK FOLEY
ROXANNE KARN FORBES
KELLY DENIESE FOWLER

STEPHANIE BLEVINS FRAZIER
NICOLE MARIE GALO
SUSAN PETERSON GREEVER
KAYLEIGH ANN GREGG
AMY MICHELLE GRIMES
CHARLES WAYNE HALE JR.
DONNA GAIL HARRISON
JULIE ANNE HAYES
MARGIE RENAE HILL
PAMELA SUE HODGE
TALINA SUE HUFFMAN
NICOLE IACOVETTI
SUZANNE INFANTE
CANDICE MAE IVES
JENNIFER MICHELLE KING
MISTY DAWN LATTUS
GABRIELE GERTRUD LAVONE
SANDRA LYNN LAYTART
PHILLIP DENNEY MANDLEY
SHERITA RENEE MARSHALL
AMY H MCGAULEY
JESSICA RENEE MEDLEY
CHRISTINA M METZ
KATHY D MILES
REBECCA LYNN MORROW
AIN MOSS
LAURIE BETH MOSS
MOLLY ANN MOTT
KATHRYN ALINE MYRACLE
MELISSA SHANTA
NARINESINGH
MARY TIFFANY NATION
TONYA KAY ODOM
STEPHANIE R PAUL

JAMI DANIELLE POLEY
DAVID JOE REEVES
MELANIE ANNETTE REEVES
RAMONA I REID
AMANDA ESTHER RICKARD
JESSALYNN DAWN RIGGS
JULIA MONIQUE RIX
PETER JAMES ROBERTS
RACHEL LEAH ROSENBAUM
STEVEN BRIAN SANDLIN
AUDREY SIMONEAU
MELINDA KATHLEEN SUTTON
JANET DENISE TAYLOR
KRIS ANNE TOBIN
ERICA DAWN TODD
SABRINA CAROLINE
TORGERSEN
ELIZABETH BAILEY TUCKER
HEATHER RENEE WATSON LMT
CHRISTINA NICHOLE WEST
ADREAN BRUCE WILLIAMS
TAMMY RENEE' WINTERS
DEBORAH SUE WOOTERS
TIMOTHY CRAIG WYATT

Massage Therapists Reinstated

LISA STEELE BROWNE
GLENDA LOU BRYAN LMT
VANESSA GREGG
CAMPBELL
TRINA SUANN INGRAM
WENDI MICHELLE JOHNSON
JOY LYNN LILLARD
HEATHER BROOKE REESE
TIM JAMES SHEPHERD LMT
PATRICIA ANN WOOTEN

Massage Establishments

A LASTING IMPRESSION
A NEW BEGINNING FULL SERVICE SALON
A PLACE TO ESCAPE
ADVANCED SPORTS AND BODY THERAPY
ALTERNATIVE HEALTH CARE
AURA BEAUTY RETREAT
B POLISH'D NAILS AND SPA
BALANCE
BALANCE BODYWORK, LLC
BALANCE BODYWORK, LLC
BALANCE BODYWORK, LLC

BARBARA J CONDON, LMT
BELLA HAND DAY SPA
BEYOND BELLA SPALON
BLISS MASSAGE AND SPA THERAPIES
C.C. AND COMPANY
CARRIE MURRELL MASSAGE THERAPIST
CHERRIE LEFEVERS, LMT
CJ'S DAY SPA
CLASSIC IMAGES HAIR SALON
CLOUD NINE HAIR DESIGN AND SPA
CREATIVE ILLUSIONS
DEBBIE BUTTERWORTH, LMT
EASTERN STAR LLC DBA WELLSRING FAMILY CHIROPRACTIC
ECLIPSE HAIR SALON
EMILY LILLARD MONROE
EVERGREEN YOGA CENTER
FAIRWAY SPA
FIELDING AND CO.
HAPPY MUSCLES THERAPEUTIC MASSAGE AND WELLNESS CENTER
HEALING WORKS
HEAVENLY HANDS MASSAGE THERAPY
HELPING HANDS MASSAGE THERAPY
HIGH POINTE REHAB, LLC
HOT HEADS HAIR SALON
HOUSTON AND CO. SALON SPA SUITES
INTEGRATED MASSAGE THERAPY
JANE L. TAYLOR LMT
JESSE BEBOUT, LMT
JUDY'S FINE TOUCH MASSAGE
LA DONNA BELLA SALON AND DAY SPA
MARGIE R. HILL LICENSED MASSAGE THERAPIST
MARY'S
MASSAGE AND BODYWORK BY KRISTY TAYLOR
MASSAGE BY CANDI
MASSAGE ENVY
MATHEW VOLKERT LMT
MCCALLIE CHIROPRACTIC AND REHAB CENTER
MED FIT LLC
MEDICAL MASSAGE AND PHYSICAL MEDICINE
MUSIC CITY MASSAGE
MYSTICAL MASSAGE
N'DULGE SALON AND DAY SPA
NORTH RIVER CHIROPRACTIC
PARIS NAIL
PAUL HONEBRINK'S MASSAGE PRACTICE
PINK MOON MASSAGE THERAPY
PRO FITNESS CENTER
RED-SWAN FITNESS AND SPA, INC.
RENEW MASSAGE THERAPY
RHYTHMIC MASSAGE

RIVERSTONE RENTALS, LLC
RON DIXON DBA PREMIER SPA SALON
ROOT 66 FULL SERVICE SALON, INC.
SALON 130
SO UNIQUE SALON AND SPA
SPRING HILL MASSAGE
STUDIO 306
STUDIO H SALON
STUDIO LARUE SALON AND DAY SPA
SUSANNA PENROD LICENSED MASSAGE THERAPIST
THE BODY REMEDY
THE CHIROPRACTIC CENTER
THE CHOP SHOP
THE COUNTRY CLUB, INC.
THE HEALING ARTS RESEARCH TRAINING CENTER, LLC
THE LOTUS CENTER
TOUCH OF SUMMER
TRANQUIL TOUCH
VIP SALON
YVONNE PERRY

Massage Establishments Reinstated

ADORN COLOR SALON AND BEAUTY MARKET
AMY'S ALL NATURAL HEALTH SPA
HOLISTIC OPTIONS MASSAGE
HOLSTON INSTITUTE OF HEALING ARTS, LLC
OAKLAND CHIROPRACTIC
SALLY'S MERLE NORMAN COSMETICS & DAY SPA

Ratification of Approved Continuing Education Courses

Ms. Chumbley made a motion to ratify the following continuing education courses:

1. Medical Qigong Practitioner, Level I-32 hours by J. Michael Wood
2. Medical Qigong Practitioner, Level III-32 hours by J. Michael Wood
3. Acupressure for Stress-4 hours by Charles West

Ms. Field seconded the motion. The motion carried.

Election of Officers

Due to the absence of Board members, the election was deferred until the March meeting.

The Board recessed at 4:35 p.m.

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

February 13, 2007

Members Present: Kirsten VandeBerg, LMT, Secretary
Beverly Chumbley, RN, LMT
Juliana Glasgow-Trotman, LMT
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio Member

Members Absent Rebecca Eichel, LMT, Chairperson
Phyllis Salyers, LMT

Vacant Position Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Ernest Sykes, Advisory Attorney

A quorum being present, the meeting reconvened at 9:05 a.m.

Contested Cases

James Nash, LMT

The State was represented by Ms. Elisha Hodge. Mr. Nash was not represented by legal counsel.

Anthony A. Adgent, Administrative Law Judge, presided over the hearing. Mr. Nash is charged with violating his Board Order of March 1, 2005 ordering him to pay five (5) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of twenty-five hundred dollars (\$2500.00) plus costs for operating an unlicensed massage establishment. Payment was due within thirty days of the order becoming final. On January 30, 2006 Mr. Nash worked out a payment plan with the Disciplinary Coordinator to pay twenty-five dollars (\$25.00) a month until his balance was paid in full. On February 24, 2006 Mr. Nash submitted a payment for February and March. As of January 3, 2007 Mr. Nash has not made any more payments.

Mr. Nash testified he paid the balance in full on February 5, 2007.

At the conclusion of testimony, Ms. Chumbley made a motion to accept as Finding of Fact, Allegations of Fact numbers 10 through 14 as presented. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Chumbley made a motion to accept as Conclusion of Law that this licensee has violated the Board Order. Ms. Field seconded the motion. The motion carried.

Ms. Glasgow-Trotman made a motion to charge one (1) Type A civil penalty in the amount of one thousand dollars (\$1000.00) plus cost and that Mr. Nash's massage therapist license be put on probation for two years beginning with his 2008 renewal. Ms. Field seconded the motion. The motion carried.

Ms. VandeBerg stated the Board's action was taken for the safety and welfare of the public and to uphold the laws of the Board.

Ms. Glasgow-Trotman made a motion to accept the policy statement. Ms. Chumbley seconded the motion. The motion carried.

Ava Castello-Munger, LMT

The State was represented by Ms. Elisha Hodge. Ms. Castello-Munger was not present.

Anthony A. Adgent, Administrative Law Judge, presided over the hearing. Ms. Hodge motioned for default. Judge Adgent granted the motion.

Ms. Castello-Munger is charged with violating a Board Order by not paying two (2) Type C civil penalties in the amount of seventy-five dollars (\$75.00) each for a total of one hundred fifty dollars (\$150.00) for failure to obtain/submit her continuing education hours for the 2002 calendar year.

Ms. Glasgow-Trotman made a motion to accept as Findings of Fact, Allegations of Fact numbers 10 through 14 as presented. Ms. Chumbley seconded the motion. The motion carried.

Ms. Chumbley made a motion to accept as Conclusion of Law the Causes of Action as presented. Ms. Field seconded the motion. The motion carried.

Ms. Field made a motion to assess a one thousand dollar (\$1000.00) civil penalty plus cost and to revoke Ms. Castello-Munger's license. Ms. Chumbley seconded the motion. The motion carried.

Ms. VandeBerg stated the Board's action was taken for the safety and protection of the public.

Ms. Chumbley made a motion to accept the Policy Statement. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Jennifer James, LMT

The State was represented by Ms. Elisha Hodge. Ms. James was not present.

Anthony A. Adgent, Administrative Law Judge, presided over the hearing. Ms. Hodge motioned for default. Judge Adgent granted the motion

Ms. James is charged with violating a Board order by not paying case cost. After testimony Ms. Glasgow-Trotman made a motion to accept Findings of Fact numbers 10 through 14 as presented. Ms. Chumbley seconded the motion. The motion carried.

Ms. Chumbley made a motion to accept the Conclusions of Law as presented. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Field made a motion to assess a one thousand dollar (\$1000.00) civil penalty plus cost and to revoke Ms. James' license. Ms. Glasgow-Trotman seconded the motion. All members voted no, the motion was denied.

Ms. Chumbley made a motion to assess a one thousand dollar (\$1000.00) civil penalty plus cost for both proceedings and to place Ms. James' license on probation for three months, if she does not pay within the three months her license will be revoked. The motion died for lack of a second.

Ms. Field made a motion to assess a one thousand dollar (\$1000.00) civil penalty plus cost for both proceedings and to revoke Ms. James' license. Ms. Glasgow-Trotman seconded the motion. The motion passed.

Ms. Vandenberg stated it is the licensees responsibility to follow the rules and regulations of the Board and to protect the safety and welfare of the public.

Ms. Chumbley made a motion to accept the Policy Statement. Ms. Glasgow-Trotman seconded the motion. The motion carried.

This concluded the contested cases.

The Board set the March meeting times to begin at 9:00 a.m. on the first day and 8:00 a.m. on the second day.

There being no further business, Ms. Chumbley made a motion to adjourn. Ms. Glasgow-Trotman seconded the motion. The motion carried and the meeting adjourned at 11:50 a.m.

Kirsten Vandenberg, LMT, Secretary