

**Board of Registration of Massage Therapy
February 11, 2019, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D**

Present:

Board members:

Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Mindy Ruddock, Board Member
Saskia Coté, Board Member
Anne Marie Kennedy, Board Member

DPL Staff:

Ana Garcia, Executive Director
Bruce Hopper, Board Counsel
Anne Driscoll, Investigator
Liam Powers, Investigator
Denise Quintilliani, Board Administrator

Item 1) 10:10 a.m. Meeting called to order:

Housekeeping and Evacuation Procedure: Executive Director Garcia detailed the evacuation plan to be followed in the event of an emergency. Do not use the elevators, exit down the stairwell and go across Harrison St. to Whole Foods parking lot.

Item 2) 10:11a.m. Board Meeting Business:

- **Public Minutes from December 10, 2018** – Motion made by Ms. Coté to accept the minutes as corrected. Ms. Ruddock seconded. The motion passed unanimously.
- **Executive Minutes from December 10, 2018** – Motion made by Ms. Coté to accept the Minutes. Ms. Ruddock seconded. The motion passed unanimously.
- **Public Minutes from January 14, 2019** – Motion made by Ms. Kennedy to accept the minutes as corrected. Ms. Ruddock seconded. The motion passed unanimously.
- **Executive Minutes from January 14, 2019** – Motion made by Ms. Ruddock to accept the Minutes as corrected. Ms. Kennedy seconded. The motion passed unanimously.
- **2019 Board Election of Officers** – Mr. Levine made a motion to nominate Ms. Coté as Board Chair, Mr. Andrews as Vice Chair, and Ms. Sarmiento as Secretary. Ms. Kennedy seconded. All nominations were accepted.
- **AMTA MA Chapter Meeting** – The Board has an invitation to the annual AMTA meeting at the Needham Sheraton.

Item 3) 10:25 a.m. Compliance Monitoring:

- **2017-000869-IT-ENF [TC] – Compliance Monitor Interviews:**

Thomas Chacko appeared with two proposed monitors, Ms. Patricia Kelley, Ms. Ann Hoyer and his attorney Mr. Cal Stein. Mr. Andrews spoke about why a monitor was needed for Mr. Chacko. Mr. Andrews asked the proposed monitors if they had read the consent agreement. Neither of the two individuals that appeared had read the agreement. Ms. Hoyer stated that she is not currently practicing massage.

Ms. Kennedy made a motion to table the discussion for the March board meeting to allow Ms. Kelley and Ms. Hoye to become familiar with the consent agreement and the massage rules and regulations.

Item 4) 10:10 a.m. Application Review:

- **2019-1-mt-mm-app [FZ-Unique Spa]** – Ms. Zhoa came in with an interpreter. She had someone else fill out the application for her. When asked by the board, she was unable to describe the role of a compliance officer. Mr. Andrews made a motion to deny the applicant. Ms. Ruddock seconded. The motion passed unanimously. The applicant was informed that she needed to come back with a new proposed compliance officer who is familiar with the role of an establishment compliance officer.

- **2018-245-MT-MF [HY-Yang Massage Therapy Shop]** – There were two massage rooms on the floor plan for the massage establishment license. The applicant stated through an interpreter that she has two massage rooms right now but it is just solely herself working at the establishment and eventually she wants to hire another massage therapist. Ms. Ruddock made a motion to move forward with the application. Mr. Levine seconded. The motion passed unanimously.

- **2018-205-MT-MM-APP [QQ Hong Foot Massage & Body Work]** – *tabled from January*
The business owner was present with a female massage therapist and an interpreter. An application for a multi-therapist establishment license was previously submitted and denied. Currently an application was submitted for a solo therapist establishment license. There appears on the floor plan to be more than one massage room. They were asked what they were going to use the other rooms for on the floor plan. The interpreter said for customers and for storage. When they bought the business the rooms were already there so they didn't change anything.

There were two separate owners on the application. The current person at the meeting who is allegedly the owner isn't on the application for the Methuen location.

Mr. Andrews made a motion that a new application needs to be submitted for a solo establishment license with the male present listed as the owner and the female present listed as the massage therapist. Ms. Kennedy seconded. The motion passed unanimously.

- **2019-3-MT-MM-APP [AD-Meini Spa Inc.]**
The applicant was applying for a multi establishment license and listed as the compliance officer. The applicant came with a translator. The applicant could not explain the role of a compliance officer. Mr. Andrews made a motion to deny the application. Ms. Kennedy seconded. The motion passed unanimously.

Item 5) 11:50 a.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C] Alexei Levine moved to exit open session and enter into closed session for the purpose of conducting investigative conferences, adjudicatory conferences and settlement conferences pursuant to MGL c. 112, §65C; MGL. C. 30A, § 18, 5 (d). Paul Andrews seconded. After a roll call vote, all “yes.” The motion passed unanimously.

During investigatory conference, the Board took the following action:

11:53 a.m. Ms. Coté recused herself.

- 2018-001146-IT-ENF [SM] – **Forward to Prosecutions**

12:08 p.m. Ms. Coté returned to the meeting.

Item 6) 12:09 p.m. Settlement Conference: *closed session pursuant to MGL c. 112, §65C]*

Board discussed settlement offer presented by prosecuting counsel.

Item 7) 12:20 p.m. Investigative Conference: Review Cases: *[closed session pursuant to MGL. C. 112 §65C]*

- 2018-000698-IT-ENF [LV] – **Dismiss w/o Prejudice**
- 2018-000573-IT-ENF [PP] - **Forward to Prosecutions**

12:35 p.m. Mr. Levine recused himself.

- 2018-001087-IT-ENF [JC] - **Forward to Prosecutions**
- 2018-001176-IT-ENF – **Dismissed w/o Prejudice**

12:40 p.m. Mr. Levine returned to the meeting.

- 2018-001121-IT-ENF [MM] – **Dismissed w/o prejudice**
- 2018-001122-IT-ENF - **Forward to Prosecutions**

12:44 p.m. Ms. Coté and Board Counsel Hopper recused themselves.

- 2018-000767-IT-ENF [DC] – **tabled for March**

12:52p.m. Ms. Coté and Board Counsel Hopper returned to the meeting.

- 2018-000591-IT-ENF [GM] – **Forward to Investigations for further information**
- 2018-000905-IT-ENF [EM] – **tabled for March**

Item 8) 1:10 p.m. Final Decision & Order: [Deliberative Session: closed session pursuant to G.L. c. 30A, §18, (5)(d)]

The board reviewed cases in closed session to conduct quasi-judicial deliberations.

At the end of the closed session Ms. Kennedy made a motion to exit closed session and to resume the open meeting. Ms. Ruddock seconded. The motion passed unanimously.

Item 9) 1:15 p.m. Adjournment

Mr. Andrews made a motion to adjourn. Ms. Ruddock seconded. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ana Garcia". The signature is written in a cursive, flowing style.

Ana Garcia
Executive Director