

NEVADA STATE BOARD OF MASSAGE THERAPY

AGENDA ACTION SHEET

TITLE: Application Review (Education and Administrative)

MEETING DATE: March 30, 2022

APPLICANT: Kitty H. Schlup
REVIEW UNDER: NRS 640C.700

BACKGROUND INFORMATION:



ACTION:

- Approved
- Denied – NRS 640C.700(1)(9) and/or (11) and NAC 640C.410 (1)(j)(p)(q)
- Probation – NRS 640C.700(1)(9) and/or (11) and NAC 640C.410 (1)(j)(p)(q)
- Tabled

PROBATION CONDITIONS: Per NRS 640C.710 Options for Respondent:

<input type="checkbox"/> A. Report all contact with law enforcement personnel within 48 hours after such contact occurs.	<input type="checkbox"/> B. Refrain from providing outcall services.
<input type="checkbox"/> C. Submit employment offers to the staff of the Board for review and approval.	<input type="checkbox"/> D. Submit to a random drug test at respondent's expense.
<input type="checkbox"/> E. Complete an ethics course of _____ CEU hours within 90 calendar days of licensure.	<input type="checkbox"/> F. Submit to the Board a complete set of Fingerprints bi-annually/annually at licensee's expense.
<input type="checkbox"/> G. Take any other action that the Board deems appropriate -	

Required for Respondent:

Cooperate fully with Board staff to administrate term of probation.	Responsible for all administrative fees incurred by the Board as a result of their probation compliance
Attend Probation Orientation	Comply with all laws governing massage therapy
Notify any change in address, phone number, establishment or employment to the Board office within 10 calendar days per NAC.640C.085(3)	Take any combination of the actions set forth in paragraphs (a) through (g), inclusive.



Nevada State Board of Massage Therapy

1755 E. Plumb Lane, Suite 252, Reno, NEVADA

Application: License Application
Application Number: OL210415025945

Fee: \$30.00

APPLICATION INSTRUCTIONS

Please read the following instructions carefully before completing the application. Incomplete applications will cause delays in processing your application. If you have any questions about completing this application, visit our website listed above and click the FAQs tab.

1. Did you complete/graduate from a program of Massage Therapy with at least 550 hours? : Yes No
2. Did you take and pass the National Exam (NESL, NCETM, NCETMB, MBLEX, IASI, ITEC, ARCB, IIR and NCBTMB-R)? : Yes No

Section 1 : Personal Information

- Include 1 current passport quality photo - No emailed photos or faxes will be accepted
- No larger than 2" x 2", front view of FACE - no profile
- Must be taken against a solid white background
- We will NOT ACCEPT the photo if you are wearing a hat, sunglasses, or anything obstructing any portion of your face.

Application Type : Massage Therapist Structural Integration Reflexology

Applicant Name

Last Name : SCHLUP
First Name : KITTY HAO
Middle Name :



List all legal names previously or currently being used by you :

Other Name

YANQING HAO

Mailing address :

Street : 11032 MAC MURRAY ST
City : GARDEN GROVE State : CA Zip : 92841

Residence address (if different than the mailing address) : Same as mailing address

Street : 11032 MAC MURRAY ST
City : GARDEN GROVE State : CA Zip : 92841

Social Security Number : Date of Birth :
Place of Birth : CHINA Gender : Male Female
Home/Cell Phone : (626) 560-2918

Indicate the appropriate selection; which address you would prefer to be public knowledge.

Home Mailing Business

Do you want to be excluded from the public mailing list? (Select one - You will still receive Board notifications)

Yes No

Section 2 : Child Support Information (Pursuant to NRS 640C.430)

Mark the appropriate response (failure to mark one of the three will result in denial of your application):

- I am NOT SUBJECT to a court order for the support of a child.
- I am SUBJECT to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount pursuant to the order.
- I am SUBJECT to a court order for the support of one or more children and am NOT in compliance with the order or am NOT in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount pursuant to the order.

Section 3 : Previous Licensure Information

Previous Licensure :

List all jurisdictions/states in which you have ever been licensed as a Massage Therapist, Reflexology or Structural Integrationist.

- Check here if you have never been licensed in any state jurisdiction.

Licensure information is not required because you have checked "Sign off from local jurisdiction to follow".

Section 4 : Training and Education

Training :

Contact registrar of your school/(s) and request to have official transcripts mailed directly to the Nevada State Board of Massage Therapy.

Diploma may be provided by school or applicant.

Name of School	City/State	Years from and to	Hours Completed
Oasis Technical Institute	Midland	2020 - 2020	800

Transcript(s)

Document Name	User Defined Document Name	Document Link
OL210415025945-163657-Transcript.pdf	OASIS TECHNICAL INSTITUTE-TRANSCP	Document Detail

Section 5 : National Exam

Exam Taken	Where Taken	Date Taken
NCBTMB	CA	11/07/2014

National Exam Status :

Date Received :

Score Report Received

Document Name	User Defined Document Name	Document Status
OL210415025945-171033-ScoreReportCard.pdf	NCBTMB	Pass

Section 6 : Application Screening Questions

Please review the information you provided on this page carefully before submitting. Once saved and submitted, this cannot be changed.

1. Have you ever had any disciplinary proceedings instituted against you relating to your license to practice massage, reflexology or structural integration?

Yes No

If yes, add the disciplinary actions below.

No record found.

2. Are you currently a party to any pending litigation related to the practice of massage therapy, reflexology or structural integration? If yes, please indicate whether you are a plaintiff or defendant and describe the nature of the litigation.

Yes No

3. Are you currently or have you ever been required to register as a Sex Offender? (Tier I, II or III)

Yes No

If Yes, please explain in below textbox :

4. Have you been accused of, arrested for, engaged in or solicited sexual activity during the course of practicing massage, reflexology, or structural integration on a person, with or without the consent of the person, including, without limitation, if you were an applicant or holder of a license:

- (a) Made sexual advances toward the person;
- (b) Requested sexual favors from the person; or
- (c) Massaged, touched or applied any instrument to the breasts of the person, unless the person had signed a written consent form provided by the Board;

Yes No

If yes, fill in the following with complete and accurate information for each accusation or arrest:

No record found.

Fingerprint Background Waiver

NOTICE OF NONCRIMINAL JUSTICE APPLICANT'S RIGHTS

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by the Nevada State Board of Massage Therapy that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.
2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of your FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:

16.34 - Procedure to obtain change, correction or updating of identification records. If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the

Information supplied by that agency.

3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.
5. I hereby authorize **Nevada State Board of Massage Therapy** to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.
In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detentions, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.
6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures, I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Last Name : SCHLUP

First Name : KITTY HAO

Middle Name :

Street : 11032 MAC MURRAY ST

City : GARDEN GROVE **State :** CA **Zip :** 92841

Date : 4/29/2021

Submitting Agency : Nevada State Board of Massage
Therapy

Address : 1755 E. Plumb Ln, Suite 252,
Reno, NV 89502

VETERAN

The Nevada State Board of Massage Therapy is required by State Law to report veteran information annually. If this section applies to you, please complete the following information.

Have you ever served in the military: Yes No

Branch(es) of Service: (Check all that apply)

- Army/Army Reserve
- Marine Corps/Marine Corps Reserve
- Navy/Navy Reserve
- Air Force/Air Force Reserve
- Coast Guard/Coast Guard Reserve
- National Guard

Military Occupation Speciality/Specialities:

Date(s) of Service: From To

As by Executive Order 2014-20 all professional licensing board organized pursuant to the NRS shall collect the above data and provide the information to the Nevada Department of Veterans Services.

Affidavit of Applicant / Authorization of Release

I, **KITTY HAO SCHLUP** certify that I am the person described and identified in this application;
I have answered all the questions truthfully and completely, and any documents that I have provided in support of my application are, to the best of my knowledge, accurate.
I certify that I have not had any undisclosed disciplinary proceedings instituted against me relating to my license to practice massage, reflexology or structural integration and I have disclosed or have not been arrested or convicted, for any crime involving violence, prostitution or any other sexual offense.

I authorize all Institutions or organizations, including educational institutions and organizations, employers (past and present), business and professional associations (past and present) and all governmental agencies and municipalities (local, state, federal and foreign) to release to the Nevada State Board of Massage Therapy any information, files or records required by the Nevada State Board of Massage Therapy in connection with processing this application. I understand that furnishing false or misleading information or failing to furnish required information on this application may be cause for the denial, suspension or revocation of my license to practice massage therapy, structural integration or reflexology in the State of Nevada.

Name : KITTY HAO SCHLUP

Date : 4/29/2021

Upload

Have you uploaded a current passport quality photo?

Has our office received your Official School Transcripts, Certificate of Completion (diploma), National Exam Official Score Report and, if applicable, Certified Statement from other jurisdictions/states?

Yes No

Have you uploaded a current copy of driver's license or identification card and social security card. Names must match on driver's license and social security card. If your license has expired since you submitted your application you must include a current legible copy?

Yes No

Have you uploaded a current massage therapy license, reflexology license/certificate or structural integration license. If your current massage therapist license, reflexology license/certificate or structural integration license has expired since you submitted your application you must include a current legible copy?

Yes No

- Please allow up to 4 weeks for processing your live scan fingerprints
- Please allow up to 6-8 weeks for processing fingerprint cards
- **Once you have submitted your completed application, please allow up to 15 business days for processing before inquiring about the status of your application.**

Document Type	Document Name	User	Defined Document Name
Government Issued ID Card	OL210415025945-171736-Government-Issued-ID-Card.jpg		
Government Issued ID Card	OL210415025945-171735-Government-Issued-ID-Card.jpg		
Other Documents	OL210415025945-171035-Other-Documents.pdf		NAME CHANGE
Score Report Card	OL210415025945-171033-ScoreReportCard.pdf		NCETMB
Transcript	OL210415025945-163657-Transcript.pdf		OASIS TECHNICAL INSTITUTE-TRANSCP
Certificate of Completion	210415025945-161722-Certificate-of-Completion.pdf		
Photo	13507-160796-SCHLUP, KITTY HAO.jpg		
Social Security Card	OL210415023744-159873-Social-Security-Card.jpg		
Government Issued ID Card	OL210415023744-159872-Government-Issued-ID-Card.jpg		

Application Fees

All fees are non-refundable.

Fee Detail(s)

Payment Detail(s)

Payment Method:

Amount Paid:

Oasis Technical Institute

4310 W Illinois Ave, Ste 260, Midland, Texas 79703

(432)236-0166 admin@oasistechnicalinstitute.com

Texas Department of Licensing and Regulation – License #: MS1074

OFFICIAL TRANSCRIPT

Student Name: Kitty Hao Schlup

DOB: 12/23/1973

SSN#:

Address: 3215 Ranchland Dr

Midland, TX 79705

COURSE	HOURS	GRADE	BEGIN DATE	END DATE
Massage Therapy Fundamentals I	125	B	04/27/2020	06/09/2020
Anatomy & Physiology	75	B	04/27/2020	05/21/2020
Kinesiology	50	B	05/21/2020	06/09/2020
Massage Therapy Fundamentals II	75	A	06/09/2020	07/06/2020
Pathology	40	B	06/09/2020	06/24/2020
Health & Hygiene (CPR / First Aid 6)	20	A	06/24/2020	07/01/2020
Hydrotherapy	20	A	07/01/2020	07/08/2020
Business Practice & Ethics	45	A	07/08/2020	07/15/2020
Massage Internship	50	Pass	06/09/2020	07/15/2020
TOTAL HOURS:	500			

Jose Gamez

School Administrator



Oasis Technical Institute

4310 W Illinois Ave, Ste 260, Midland, Texas 79703

(432)236-0166 admin@oasistechnicalinstitute.com

Texas Department of Licensing and Regulation – License #: MS1074

OFFICIAL TRANSCRIPT

Student Name: Kitty Hao Schlup

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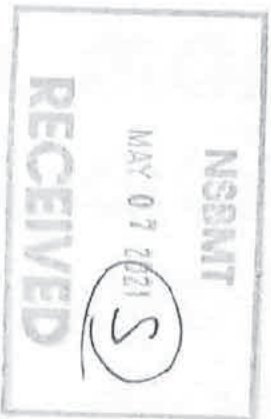
Address: 3215 Rachland Dr

Midland, TX 79705

COURSE	HOURS	GRADE	BEGIN DATE	END DATE
Massage Therapy Fundamentals III	100	B	07/20/2020	08/31/2020
Anatomy & Physiology II	50	B	07/20/2020	08/07/2020
Kinesiology II	50	B	08/10/2020	08/31/2020
Business Practice & Ethics	50	A	09/01/2020	09/10/2020
Massage Internship	50	Pass	07/20/2020	09/10/2020
TOTAL HOURS:	300			

Jose Gamez

School Administrator



OASIS TECHNICAL INSTITUTE

Certifies that

KITTY HAO SCHLUP

Has fulfilled the requirements and successfully completed the

Texas License Massage Therapy Training Program

And is therefore awarded

This certificate of graduation in witness thereof

We have hereunto affixed our seal and subscribed our name.

09/10/2020

Graduation Date

Jose Gamez

MS1074



Official NCBTMB Score Report

Yanqing Hao

1410 New Ave
Apt D
San Gabriel, CA 91776
UNITED STATES

DOB:

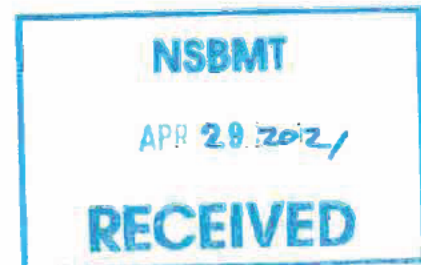


Exam Name: NCETMB

Exam Date: 11/7/2014

Exam Result: PASS

Candidate ID: 795838



Please accept this as the Official Score Report for the candidate listed above for the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

If you have any questions, please contact scores@ncbtmb.org or call 800-296-0664.



Petition for Name Change
Department of Homeland Security
U.S. Citizenship and Immigration Services

Application NO: 06
210415023744
Invoice NO: MT107053
USCIS
Form N-662

Name of Court
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Information About You (Petitioner)

As part of the naturalization process, you have the opportunity to legally change your name. Please complete Item Numbers 1 – 8. (Type or print clearly.)

1. Full and Correct name (Current name)

Given Name (First Name)	Middle Name	Family Name (Last Name)
<u>YANQING</u>		<u>HAO</u>

2. Mailing Address

Street Number and Name	City or Town	State	Zip Code
<u>11032 MAC MURRAY ST</u>	<u>GARDEN GROVE</u>	<u>CA</u>	<u>92841</u>

3. Country of Citizenship or Nationality

CHINA

4. Date of Birth (mm/dd/yyyy)

5. Alien Registration Number (A-Number)

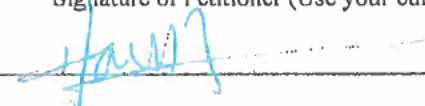
A205187323

6. I certify that I am not seeking a name change for any unlawful purpose such as the avoidance of debt or evasion of law enforcement.

7. I petition the court to change my name to:

First Name	Middle Name	Last Name
<u>KITTY</u>	<u>HAO</u>	<u>SCHLUP</u>

8. Signature and Date

Signature of Petitioner (Use your current name)	Date (mm/dd/yyyy)
	<u>10/26/2018</u>

Certification of Name Change

I certify that the above petition was granted by the court on this date, NOV 14 2018
(mm/dd/yyyy)

Signature of Clerk
CLERK, U.S. DISTRICT COURT

Signature of Deputy Clerk
Eloisa Subillaga

Important Information

Your copy of this petition, along with your Certificate of Naturalization, which you will receive upon taking the oath of allegiance, will verify that you elected to change your name. Your Certificate of Naturalization bears your new name as changed per order of the court.



One Capitol Mall, Suite 800
Sacramento, CA 95814
camtcreviewgeneral@camtc.org



November 5, 2020

VIA FIRST CLASS MAIL

To: Yanqing Hao, ID #77237, Cert. #42272 (suspended)
11032 Mac Murray St
Garden Grove, CA 92841

From: California Massage Therapy Council

Re: Notice of Final Decision on Revocation of Certification

On July 6, 2020, the California Massage Therapy Council (hereafter "CAMTC") issued you a proposed revocation of certification letter. In accordance with CAMTC's procedures, you timely informed CAMTC that you were requesting an oral hearing. You appeared at the September 3, 2020, telephonic hearing with your husband, David Schlup. You also submitted documents in support of your oral testimony. After your telephonic hearing, the Hearing met to consider the documents you submitted, your oral testimony, and all of the evidence in your case.

Your Proposed Revocation was based on the following:

- CAMTC received a copy of your Newport Beach Police Department Massage Operator Permit Application for a massage establishment known as, "Coastal Body Care," located at 3520 Irvine Ave., Newport Beach, California. You signed the application on November 29, 2018, and identified yourself as the owner of the establishment.
- CAMTC also received a copy of your City of Newport Beach Business Tax Certificate for Coastal Body Care, which identifies you as the owner of the establishment and was valid for the period of January 16, 2019 through January 31, 2020.
- CAMTC received a declaration, signed under penalty of perjury, from Officer David Mock of the Newport Beach Police Department, stating that a massage provider working on the premises of Coastal Body Care, which is an establishment that you own and/or operate, engaged in unprofessional conduct and committed an act punishable as a sexually related crime on April 10, 2019.
- According to Officer Mock's sworn declaration, on April 10, 2019, he participated in an investigation of Coastal Body Care. He entered the establishment in an undercover capacity, posing as a customer. Kimberly Zhou (CAMTC Cert. #42632) greeted him



and he paid her sixty dollars for a one-hour massage. She escorted him to a massage room. He removed his clothing and lay face down on the massage table, covering his buttocks with a towel. Ms. Zhou then returned to the room and began the massage. She pulled the towel off of him, completely exposing his entire buttocks. During the massage, Ms. Zhou made numerous sexual references and mentioned giving hand jobs to prior clients, referring to manual stimulation of the penis.

- Officer Mock turned over onto his back and asked Ms. Zhou if he could have some "pussy," indicating sexual intercourse. She said she needed to wash her hands first. She retrieved a hand towel and placed it near his groin. Ms. Zhou asked Officer Mock if he brought a condom and he said he didn't. She said sex was only allowed if he had a condom. He asked her for a hand job. Ms. Zhou then removed her pants and pulled up her shirt, exposing her breasts. She then grabbed his penis. He gave the bust signal to assisting officers and sat up. Assisting officers then entered the establishment and detained Ms. Zhou.
- On August 9, 2019, the CAMTC certificate issued to Kimberly Zhou (CAMTC Cert. #42632) was suspended based on Officer Mock's sworn declaration, identified above.
- As a result of the incident described above, effective on May 7, 2019, the City of Newport Beach Police Department denied your Massage Operator Permit Application for Coastal Body Care based on the following violations discovered during an investigation of your establishment on April 10, 2019: 5.50.030B(1)(a) NBMC-No person shall massage genitals or anal region of any patron; 5.50.030B(1)(b) NBMC-No person shall be present in any room with a patron unless patron's genitalia or female breasts are fully covered; 5.50.65B NBMC-Massage establishment unlawful and a public nuisance; employee Kimberly Zhou (CAMTC Cert. #42632) was arrested for violating 647(b) PC-Prostitution; 4609(a)(1)(B) BPC-Sexual activity on premises of massage establishment prohibited; 4609(a)(1)(C) BPC-Sexual activity while providing massage prohibited; 4609(a)(1)(C)-Massage of genitals or anal region prohibited; 4609(a)(11) BPC-Act punishable as sexually related crime; 5.50.025A(4) NBMC-Material misrepresentation on permit application; and, 5.50.025AB(1) NBMC-Material misstatement or omission in permit application.
- You initially appealed the denial of your Massage Operator Permit Application for Coastal Body Care. However, the City of Newport Beach Police Department confirmed that you postponed your appeal hearing, withdrew your permit application, and no appeal hearing was subsequently held. Therefore, the denial of your permit application was effective on May 7, 2019.
- On January 13, 2020, CAMTC received an e-mail from you in which you admitted you were still the co-owner of Coastal Body Care on September 18, 2019.
- CAMTC received a sworn declaration from Detective Damian Shaddow of the Newport Beach Police Department, stating that a massage provider working on the premises of Coastal Body Care engaged in unprofessional conduct and committed an act punishable as a sexually related crime during a massage she provided to him on September 18, 2019.
- Pursuant to his declaration, Detective Shaddow participated in an investigation of Coastal Body Care on September 18, 2019. He entered the establishment in an undercover capacity and posing as a customer. He was greeted by Feifei Li (CAMTC Cert. #75273). Ms. Li collected Detective Shaddow's money and led him to a



massage room. Ms. Li left the room while Detective Shaddow got undressed, lay face down on the massage table, and placed a small towel to cover his buttocks. Ms. Li reentered the room and repositioned the towel so that Detective Shaddow's entire buttocks were exposed.

- After some time, Ms. Li had Detective Shaddow turn over onto his back. Ms. Li did not cover him with a towel, and his genitals were completely exposed. Ms. Li placed a pillow under his head and then placed a towel over his penis. Ms. Li then reached under the towel with both of her hands. She massaged his testicles with one hand while grabbing his penis and manipulating it with her other hand. Detective Shaddow immediately stopped Ms. Li from touching him and gave the bust signal. Assisting detectives then entered the establishment and detained Ms. Li.
- On January 3, 2020, your CAMTC certificate was suspended based on Detective Shaddow's sworn declaration, identified above. A hearing was held in the matter on February 27, 2020. On May 8, 2020, a Notice of Final Decision was issued upholding the suspension of your certificate.
- On January 3, 2020, the CAMTC certificate issued to Feifei Li (CAMTC Cert. #75273) was suspended based on Detective Shaddow's sworn declaration, identified above. A hearing was held in the matter on February 13, 2020. On April 3, 2020, a Notice of Final Decision was issued upholding the suspension of Ms. Li's certificate.
- As a CAMTC certificate holder, you were required to notify CAMTC of your permit application denial by the City of Newport Beach Police Department, yet you failed to do so.

In opposition to the Proposed Revocation, you submitted the following documents before the document deadline:

- Correspondence from Attorney Ramos, received: May 30, 2020
- Previously Submitted Evidence
- Email Correspondence

The hearing officers carefully considered all of the written evidence you submitted. The hearing officers also carefully evaluated your oral testimony. After careful consideration of all of the evidence in your case the hearing officers find by a preponderance of the evidence that you were a CAMTC certificate holder and the owner and/or operator of Coastal Body Care during the period of January 16, 2019 through January 31, 2020. As the owner and/or operator of a massage business, you are responsible for the conduct of all of those working on the premises of your business. (Business and Professions Code section 4607.)

CAMTC received a sworn declaration from Officer Mock, in which he states that when he conducted an investigation of Coastal Body Care on April 10, 2019, Kimberly Zhou (CAMTC Cert. #42632), an individual working on the premises of your establishment, engaged in unprofessional conduct when she: exposed Officer Mock's entire buttocks; made numerous sexual references; mentioned giving hand jobs to prior clients; asked him if he brought a condom; agreed to have sexual intercourse with Officer Mock if he had a condom; agreed to manually stimulate his penis; removed her pants; exposed her breasts; and grabbed his penis. The BRD also finds by a preponderance of the evidence that Ms. Zhou committed acts



punishable as a sexually related crime when she: exposed Officer Mock's entire buttocks; agreed to have sexual intercourse with Officer Mock if he had a condom; agreed to manually stimulate his penis; exposed her breasts; and grabbed his penis.

Additionally, CAMTC received a sworn declaration from Detective Shaddow, in which he states that when he conduct an investigation of Costal Body Care on September 18, 2019, Feifei Li (CAMTC Cert. #75273), an individual working on the premises of your establishment, engaged in unprofessional conduct when she: exposed Detective Shaddow's entire buttocks; exposed his genitals; massaged his testicles; grabbed his penis; and manually stimulated his penis. The BRD also finds by a preponderance of the evidence that Ms. Li committed acts punishable as a sexually related crime when she: exposed Detective Shaddow's entire buttocks; exposed his genitals; massaged his testicles; grabbed his penis; and manually stimulated his penis.

Based on Ms. Zhou's and Ms. Li's conduct and the fact that you are the owner and/or operator of Coastal Body Care, the BRD finds by a preponderance of the evidence that you engaged in unprofessional conduct on two occasions by failing to properly supervise individuals working on the premises of your business and allowing those individuals to engage in unprofessional conduct and commit acts punishable as a sexually related crime.

The BRD also finds by a preponderance of the evidence that you had disciplinary action taken against you by the City of Newport Beach Police Department. Disciplinary action includes the denial of a permit application by a local government agency that regulates massage. Effective on May 7, 2019, the City of Newport Beach Police Department denied your Massage Operator Permit Application for Coastal Body Care based on the following violations discovered during an investigation of your establishment on April 10, 2019: 5.50.030B(1)(a) NBMC-No person shall massage genitals or anal region of any patron; 5.50.030B(1)(b) NBMC-No person shall be present in any room with a patron unless patron's genitalia or female breasts are fully covered; 5.50.65B NBMC-Massage establishment unlawful and a public nuisance; employee Kimberly Zhou (CAMTC Cert. #42632) was arrested for violating 647(b) PC-Prostitution; 4609(a)(1)(B) BPC-Sexual activity on premises of massage establishment prohibited; 4609(a)(1)(C) BPC-Sexual activity while providing massage prohibited; 4609(a)(1)(C)-Massage of genitals or anal region prohibited; 4609(a)(11) BPC-Act punishable as sexually related crime; 5.50.025A(4) NBMC-Material misrepresentation on permit application; and, 5.50.025AB(1) NBMC-Material misstatement or omission in permit application. Although you initially appealed the denial of your Massage Operator Permit Application for Coastal Body Care, you subsequently withdrew your permit application, effectively abandoning your appeal, and no hearing was held. Therefore, the denial of your permit application was effective on May 7, 2019. Pursuant to Business and Professions Code section 4609(a)(8), a certified copy of the decision shall be conclusive evidence of the action. CAMTC received a certified copy of the Notice of Denial of your permit application from the City of Newport Beach Police Department, and therefore has conclusive evidence of this disciplinary action taken against you.

The BRD further finds by a preponderance of the evidence that you failed to notify CAMTC of your permit application denial by the City of Newport Beach Police Department, as you were required to do as a CAMTC certificate holder.



In opposition to the proposed revocation of your certificate you provided testimony during your oral hearing. During your oral hearing you admit that you were the owner of Coastal Body Care and testified that you began operating the establishment in March 2019. You also admit that you were present on September 18, 2019 and that Feifei Li was working on the premises of your establishment on that date. Additionally, you admit that you are aware that a massage operator permit was denied for Coastal Body Care in May 2019. You also admit that you were still the owner and operator of Coastal Body Care on September 19, 2019. Further, you admit that you did not update CAMTC with information about the City of Newport Beach's denial of the application for a massage operator permit for Coastal Body Care. Overall, the hearing officers find that you have corroborated many of the proposed findings that form the basis for your proposed revocation.

In regards to the conduct set forth in Officer Mock's declaration, you claim that you were not present at the business when this conduct occurred. Specifically, you claim that although you were the owner of Coastal Body Care that the owner of the property had locked you out of the business and that someone else was operating the business on April 10, 2019. However, the hearing officers find that other evidence in your case does not support your argument. First, you claim that you began operating Coastal Body Care around March 19 or March 20, 2019 and that after approximately one month of operation the landlord changed the locks and locked you out of your business. You claim that you were later able to resolve the matter by selling your business to Yan Liu and then continuing operation of your business as Ms. Liu's partner. However, the hearing officers find that you have submitted no evidence to support this assertion. The hearing officers find it is not credible that if you were truly locked out of your own business that you would not have some documentation from that time indicating that this was true. For example, there are no demand letters written to the landlord to restore your rights to the business, no correspondence with the City wherein you state you were not operating the business, no police report filed against your landlord who you claim was unlawfully occupying your business, etc.

Additionally, the hearing officers find that there is no support for your assertion that you sold the business to Yan Liu once you were locked out of the business. Instead, the hearing officers find that the evidence in your matter contradicts this assertion. Specifically, CAMTC has obtained two copies of the Newport Beach Police Department Massage Operator Permit Application submitted for Coastal Body Care. The first application is dated November 29, 2018 and is signed by you. This application was approved and you were issued a City of Newport Beach Business Tax Certificate that was valid from January 16, 2019 through January 31, 2020. The second application is dated March 8, 2019 and is signed by Yan Liu. Both applications are for Coastal Body Care. The hearing officers find that these permits contradict your oral testimony in that, based on the issue date of your permit, it appears that you were operating Coastal Body Care prior to the March 19/20 date that you testified to during your oral hearing. Moreover, you testified that you sold the business to Yan Liu once you were locked out of the business in April. However, the hearing officers find that Yan Liu's application for an operator permit was submitted prior to the date you claim you began operating the establishment. The hearing officers find that given the fact that Ms. Liu applied for a permit prior to the date you claim you were locked out indicates that you did not sell Ms. Liu your business because you were locked out and instead indicates that there was a prior intention to bring Ms. Liu into the business as a



partner and that you and Ms. Liu would operate the business together. You admit that this is the arrangement that was in existence during the incident on September 19, 2019 that is described in Detective Shaddow's declaration. Overall, the hearing officers find that the documentary evidence indicates that you were operating the business prior to March 2019 and that you did not sell the business to Ms. Liu as a result of an April 2019 lockout by the property owner.

Moreover, the hearing officers find that your story about selling the business to Ms. Liu and subsequently coming back into the business as her partner is not credible. The hearing officers find that it is not credible that you were allowed to sell the business to Ms. Liu while you were locked out of the business and someone else was running the business. You testified that once you sold the business to Ms. Liu, she was allowed to operate the business and you were then brought on as her partner. The hearing officers find that you provided no evidence as to why the landlord would have allowed Ms. Liu to operate the business even though he had locked you out of the business and not allowed you to operate your business. You testified that Ms. Liu was your friend and there is evidence that Ms. Liu applied for an operating license prior to when you claim you began to operate Coastal Body Care, which indicates a pre-existing relationship between yourself and Ms. Liu. Therefore, it is unclear why Ms. Liu would have been allowed to operate the business while you remained locked out. Additionally, the hearing officers find that it is not credible that you had such a bad experience with your landlord and claim he locked you out of your business, but that you wished to continue to operate the business once you sold it to Ms. Liu. Given your extremely negative experience with the landlord of the property, the hearing officers find it is not credible that you would voluntarily enter back into the business after you were able to sell the business to Ms. Liu. Overall, the hearing officers find that your testimony was simply not credible.

Additionally, the hearing officers find that the timeframe you claim you were locked out of the business does not support that you were not operating the business on April 10, 2019. Specifically, as is discussed above, you testified that you began operating the business on March 19 or March 20, 2019. You also state that approximately one month later your landlord locked you out of the business because you failed to provide him with 50% of the proceeds from your business. However, the incident described in Officer Mock's declaration occurred on April 10, 2019, which is less than one month from when you claim to have started operating the business. Therefore, even if the hearing officers found your testimony that you were locked out of the business to be credible (which they do not), the hearing officers find that, given your testimony that you operated the business for approximately one month prior to being locked out, there is a preponderance of the evidence to support that you were still operating the business on April 10, 2019 when Kimberly Zhou engaged in the conduct set forth in Officer Mock's declaration.

The hearing officers find that after careful consideration of all of the evidence that a preponderance of the evidence supports that you were the owner and/or operator of Coastal Body Spa beginning on January 16, 2019 through January 31, 2020. The hearing officers find it is not credible that you were locked out of the business on April 10, 2019. Moreover, there is no documentation to support this argument. Additionally, the hearing officers find that the various permit applications for the business contradict your testimony about your dates of operation of the business and the sale of the business to Ms. Liu. Finally, the hearing officers



find that your description of selling the business and returning as Ms. Liu's partner after you had previously been locked out of the business by the landlord is simply not credible. Instead, the hearing officers find that the your City of Newport Beach Business Tax Certificate for Coastal Body Care, which identifies you as the owner of the establishment and was valid for the period of January 16, 2019 through January 31, 2020 is credible and reliable evidence that you were the owner and/or operator of Coastal Body Care for this entire time period.

In regards to the incident that occurred on April 10, 2019 and that is set forth in Officer Mock's declaration involving Kimberly Zhou, you claim to have no knowledge of this incident or of whether Ms. Zhou was working at Coastal Body Care. However, the hearing officers find that you were the owner and/or operator of Coastal Body Care on April 10, 2019. As the owner and/or operator of a massage business, you are responsible for the conduct of all of those working on the premises of your business. (Business and Professions Code section 4607.) You do not deny that the conduct set forth in Officer Mock's declaration occurred. Additionally, you do not provide any statement or declaration from Ms. Zhou or anyone else who has personal knowledge of what occurred during the massage denying that the conduct set forth in Officer Mock's declaration occurred. Therefore, the hearing officers find that you have failed to present any evidence in opposition to Officer Mock's declaration.

In regards to the incident that occurred on September 18, 2019, you admit that you were present on that date. You also corroborate some of the statements set forth in Detective Shaddow's declaration. Specifically, you corroborate that Feifei Li was providing massage at your establishment on that date. Additionally, you corroborate that Detective Shaddow was initially seated in an area that had a curtain as the door. You corroborate that you pulled the curtain to the room that Detective Shaddow was waiting in and that you closed the curtain and left the room. The hearing officers find that you have corroborated some of the material facts set forth in Detective Shaddow's declaration, which lends additional credibility to his entire declaration.

When asked if you believe that Ms. Li engaged in the conduct set forth in Detective Shaddow's declaration, you testified that you do not know. You do not claim to have been in the room during the course of Detective Shaddow's massage and, as such, the hearing officers find that you lack personal knowledge of what occurred during the course of Detective Shaddow's massage. Additionally, you failed to provide a written statement or declaration from Ms. Li denying that the conduct occurred. Therefore, you have failed to present any evidence in opposition to the conduct set forth in Detective Shaddow's declaration.

Additionally, the hearing officers find that portions of the testimony you provided during a February 27, 2020 hearing that was held on the suspension of your certificate contradict the testimony you provided during your revocation hearing. For example, during your suspension hearing you testified that you hired Ms. Li and that she was hired as an employee. However, during your revocation hearing you changed your testimony and testified that Ms Li was not hired and that she was simply paying for space at the establishment. The hearing officers find that this testimony is contradictory and not credible. Additionally, your remaining testimony indicates that Ms. Li was not simply renting space as you argued during your revocation hearing, but that you were her employer. Specifically, during both your suspension and



revocation hearings you admit that you paid Ms. Li a portion of the proceeds from each massage, and that you kept a portion of the proceeds from each massage. Additionally, you admit that you were in charge of assigning therapists to massage the clients who came into the establishment and that you specifically assigned Ms. Li to massage Detective Shaddow. The hearing officers find that this arrangement is more akin to an employee/employer relationship than to a relationship where Ms. Li was simply paying you for space. The hearing officers find that your testimony was contradictory and that these contradictory statements affect your overall credibility.

Additionally, the hearing officers find that your argument that Ms. Li was simply an independent contractor is not relevant as to whether you were responsible for her conduct. As the owner and/or operator of a massage business, you are responsible for the conduct of all of those working on the premises of your business. (Business and Professions Code section 4607.) The fact that you claim that Ms. Li was an independent contractor rather than an employee is not relevant in that you have admitted that Ms. Li was providing massage for compensation on the premises of your business. CAMTC's statute makes an owner responsible for the conduct of all individuals working on the premises of your establishment, whether that person is an employee or independent contractor. Therefore, your argument that Ms. Li was not an employee is not relevant as to whether you were responsible for her conduct pursuant to CAMTC's law and Procedures.

During your oral hearing you also claim that after the September 18, 2019 incident with Detective Shaddow, you never spoke with Ms. Li again. The hearing officers find it is not credible that you never spoke to Ms. Li again to ask what happened during the massage or let her know that she was fired. The hearing officers find that Ms. Li's conduct affects your business and reputation and therefore, as the owner, it is not credible that you would not attempt to speak to her about what happened or ensure that she was aware she was fired from the establishment and not welcome to come back. Overall, the hearing officers find that your testimony is not credible, which again goes to your overall credibility.

Additionally, the hearing officers find by a preponderance of the evidence that the conduct of your employees, Ms. Zhou and Ms. Li, creates a pattern of conduct wherein two massage providers working on the premises of your massage establishment agreed to engage in sex acts during the course of providing a massage for compensation on two separate occasions. Therefore, the hearing officers find that the conduct of your employees set forth in Officer Mock's and Detective Shaddow's declarations corroborate that sexual activity is occurring in your establishment, which makes it more likely than not that the conduct set forth in both declarations did, in fact, occur.

As is discussed above, you do not deny the conduct set forth in either Officer Mock or Detective Shaddow's declarations, and you state that you do not know what happened during the course of either of these massages. As such, the hearing officers find that you were not personally present in the room during Officer Mock and Detective Shaddow's massage. Therefore, the hearing officers find that you lack personal knowledge of whether the conduct set forth in the declarations occurred. Moreover, you have not provided a statement or declaration from Ms. Zhou or Ms. Li denying the conduct set forth in Officer Mock or



Investigator Shaddow's declaration. Therefore, the hearing officers find that there is no evidence in opposition to the conduct set forth in either Officer Mock's or Investigator Shaddow's declaration. Moreover, Officer Mock and Detective Shaddow's declarations are sworn under penalty of perjury and contain specific details that provide additional indicia of reliability. The hearing officers therefore find by a preponderance of the evidence that the declaration of both Officer Mock and Detective Shaddow are credible and that the conduct set forth in these declarations did, in fact, occur.

During your oral hearing you also discussed the proposed findings that you had disciplinary action taken against you by the City of Newport Beach Police Department when, on May 7, 2019, a Massage Operator Permit Application for Coastal Body Care was denied based on the conduct of Ms. Zhou that occurred on April 10, 2019 and other violations. You do not deny this disciplinary action occurred. However, you testified that this permit denial was a denial as to Yan Liu's application and not an application that you personally submitted. You argue, therefore, that this disciplinary action does not apply to you personally. However, the hearing officers find that the May 7, 2019 permit denial notice from the City of Newport Beach Police Department includes your name on the list of recipients. Moreover, the denial of the application is addressed to "Coastal Body Care," rather than to any particular individual. Therefore, although you argue that the permit denial was as to Yan Liu only, the hearing officers find that the denial of the Massage Operator Permit Application is attributable to the business. Moreover, CAMTC has a Business Tax Certificate showing you as the owner of the business from January 16, 2019 through January 31, 2020, including April 10, 2019 when the Massage Operator Permit Application was denied. Therefore, the hearing officers find that the denial of the application by the City of Newport Beach constitutes disciplinary action taken against you and your business.

During your oral hearing you also discussed your failure to update CAMTC with information about the disciplinary action taken against you by the City of Newport Beach. You testified first that this disciplinary action did not apply to you and therefore you did not believe that you had to update CAMTC with this information. However, as is discussed above, the hearing officers find that the disciplinary action was taken against you. Therefore, you had a duty to update CAMTC with this information in that CAMTC is authorized to discipline a certificate holder who has had disciplinary action taken against them from an entity that governs massage. Moreover, you argue that you were unaware of this disciplinary action because it was mailed to you, at the business address, during the time when you were locked out of the business. The hearing officers find that you have not provided any evidence to support that you were locked out of the business and that there is insufficient evidence to support that you were not aware of this denial. Overall, the hearing officers find that you have failed to provide a valid defense to your failure to update CAMTC with this information.

Therefore, after careful consideration of all of the evidence in your case, the hearing officers find by a preponderance of the evidence that you were the owner and/or operator of Coastal Body Care from at least January 16, 2019 through January 31, 2020. The hearing officers find by a preponderance of the evidence that during the course of a massage that Kimberly Zhou, a massage provider working on the premises of your establishment, provided to Officer Mock on April 10, 2019 she engaged in the following unprofessional conduct: she exposed

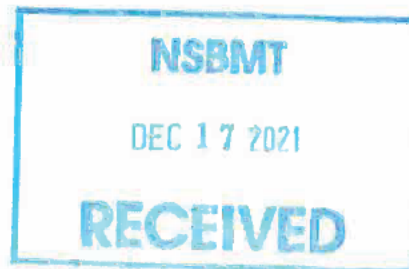


Officer Mock's entire buttocks; she made numerous sexual references; she mentioned giving hand jobs to prior clients; she asked him if he brought a condom; she agreed to have sexual intercourse with Officer Mock if he had a condom; she agreed to manually stimulate his penis; she removed her pants; she exposed her breasts; and she grabbed his penis. The hearing officers also finds by a preponderance of the evidence that Ms. Zhou committed acts punishable as a sexually related crime when she: exposed Officer Mock's entire buttocks; agreed to have sexual intercourse with Officer Mock if he had a condom; agreed to manually stimulate his penis; exposed her breasts; and grabbed his penis.

Additionally, CAMTC received a sworn declaration from Detective Shaddow, in which he states that when he conducted an investigation of Coastal Body Care on September 18, 2019, Feifei Li, an individual working on the premises of your establishment, engaged in unprofessional conduct when she: exposed Detective Shaddow's entire buttocks; exposed his genitals; massaged his testicles; grabbed his penis; and manually stimulated his penis. The hearing officers also find by a preponderance of the evidence that Ms. Li committed acts punishable as a sexually related crime when she: exposed Detective Shaddow's entire buttocks; exposed his genitals; massaged his testicles; grabbed his penis; and manually stimulated his penis.

Based on Ms. Zhou's and Ms. Li's conduct and the fact that you are the owner and/or operator of Coastal Body Care, the hearing officers find by a preponderance of the evidence that you engaged in unprofessional conduct on two occasions, and thereby you committed two separate violations of Procedures section 1.c., by failing to properly supervise individuals working on the premises of your business and allowing those individuals to engage in unprofessional conduct and commit acts punishable as a sexually related crime. The hearing officers also find by a preponderance of the evidence that on two occasions, you committed a fraudulent, dishonest, or corrupt act, and thereby you committed two separate violations of Procedures section 1.i., and committed an act punishable as a sexually related crime, and thereby committed two separate violations of Procedures section 1.j., because, as the owner and/or operator of the massage establishment, you allowed acts punishable as a sexually related crime to occur on the premises of your massage establishment, you facilitated the activity, and you were in a position to benefit from that conduct. The hearing officers further find by a preponderance of the evidence that you committed two violations of Business and Professions Code section 4607 by failing to properly supervise two individuals working on the premises of your establishment, and thereby you committed two separate violations of Procedures section 1.n., and a term or provision of the Massage Therapy Act or a rule or bylaw adopted by the Council, and thereby committed two separate violations of Procedures section 1.e.

Additionally, the hearing officers find that the conduct of your employees, both individually and collectively, as described in the declarations identified above, coupled with the evidence that you are the owner and/or operator of Coastal Body Care, is significant enough, on its own, to meet the criteria to support the revocation of your certificate. Therefore, based on the above findings in regards to the conduct of either of your employees identified above, and the fact that you are the owner and/or operator of the establishment alone, the hearing officers find by a preponderance of the evidence that your certificate should be revoked.



The hearing officers additionally find by a preponderance of the evidence that you had disciplinary action taken against you by a government agency, in violation of Procedures section 1.i., when on May 7, 2019 the City of Newport Beach Police Department denied your Massage Operator Permit Application for Coastal Body Care based on the following violations discovered during an investigation of your establishment on April 10, 2019: 5.50.030B(1)(a) NBMC-No person shall massage genitals or anal region of any patron; 5.50.030B(1)(b) NBMC-No person shall be present in any room with a patron unless patron's genitalia or female breasts are fully covered; 5.50.65B NBMC-Massage establishment unlawful and a public nuisance; employee Kimberly Zhou (CAMTC Cert. #42632) was arrested for violating 647(b) PC-Prostitution; 4609(a)(1)(B) BPC-Sexual activity on premises of massage establishment prohibited; 4609(a)(1)(C) BPC-Sexual activity while providing massage prohibited; 4609(a)(1)(C)-Massage of genitals or anal region prohibited; 4609(a)(11) BPC-Act punishable as sexually related crime; 5.50.025A(4) NBMC-Material misrepresentation on permit application; and, 5.50.025AB(1) NBMC-Material misstatement or omission in permit application. The hearing officers further find that you engaged in unprofessional conduct, in violation of Procedures section 1.c., when you engaged in the conduct that resulted in disciplinary action being taken against you by the City of Newport Beach Police Department, because you failed to comply with the local laws, rules, and regulations governing your profession. The hearing officers also find by a preponderance of the evidence that you committed a fraudulent, dishonest, or corrupt act, in violation of Procedures section 1.i., when you engaged in the conduct that resulted in the above noted disciplinary action.

Additionally, the hearing officers find by a preponderance of the evidence that the denial of your permit application by the City of Newport Beach Police Department is significant enough, on its own, to meet the criteria to support the revocation of your certificate. Therefore, based on the above findings in regards to your permit denial alone, the hearing officers find by a preponderance of the evidence that your certificate should be revoked.

Further, the hearing officers find by a preponderance of the evidence that you have violated a provision of the Massage Therapy Act or a rule or bylaw adopted by the Council, in violation of Procedures section 1.e., when you failed to notify CAMTC of your permit application denial by the City of Newport Beach Police Department, as you were required to do as a CAMTC certificate holder.

The hearing officers next considered whether you presented sufficient evidence of rehabilitation to allow you to maintain your certificate. The hearing officers find that your conduct is from 2019, which is recent. During your oral hearing you denied that you engaged in any unprofessional conduct and failed to admit to any wrongdoing. Without an admission of wrongdoing and an acceptance of responsibility for your own conduct, there can be no rehabilitation. Furthermore, you failed to present any evidence of the steps you have taken or will take in the future to ensure that this conduct will not occur again. The hearing officers therefore find by a preponderance of the evidence that you have failed to submit sufficient proof of rehabilitation to allow you to maintain your certification.

Therefore, based on the evidence before it, the hearing officers find that your certificate should be revoked. The hearing officers have decided to uphold its proposed decision to revoke certification in accordance with CAMTC's Procedures for Denial of Certification or Discipline/Revocation sections 1.c., 1.e., 1.i., 1.j., 1.l., and 1.n. The decision of the hearing officers is final. The revocation of your certification is effective on the date of this Notice of Final Decision on Revocation of Certification. Please return your CAMTC certificate and ID card to the address noted above immediately. In accordance with CAMTC policy, revoked applicants must wait two years from the effective date of revocation before reapplying.

KL/rk

