

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE CONSOLIDATED MATTERS OF:

JING JING, Massage Therapist No. 7964 (Expired 03/31/2022)

LAVENDER MASSAGE, Massage Establishment No. E4457 (Expired 03/31/2022)

J&R MASSAGE, Massage Establishment No. E3615

JJ RELAXATION, Massage Establishment No. E3616

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to La. R.S. 37:3555(A)(1), LAC 46:XLIV.6101 and the Louisiana Administrative Procedure Act, an administrative hearing was held before the Louisiana Board of Massage Therapy (“Board”) on March 24, 2022 relative to the Orders of Summary Suspension issued on December 16, 2021 for Massage Therapist License No. 7964 issued to JING JING (“JING”), Massage Establishment License No. E4457 issued to LAVENDER MASSAGE (“LAVENDER”), Massage Establishment License No. E3615 issued to J&R MASSAGE (“J&R”) and Massage Establishment License No. E3616 issued to JJ RELAXATION SPA (“JJ”).

Present were: Donna M. Green; Casey A. Little; Kathryn Lea Love, Chair; Karla Swacker; and Rosemary H. Wilkinson, Board Members;

Sheri M. Morris, serving as Counsel for the Board; and

James Raines, serving as Complaint Counsel.

James E. Steele, Complaint Investigation Officer was recused from the hearings.

FINDINGS OF FACT

1. On or about September 10, 2021, the Board received information regarding the arrest of JING on charges of knowingly violating La. R.S. 14:83.2, entitled “Promoting Prostitution” and La. R.S. 14:230, entitled “Money Laundering,” which actions occurred in association with the operation of Massage Establishments licensed by the Board, namely, LAVENDER, J&R, and JJ, (Board Exhibit 1 and Testimony of EBRSO Officer).
2. **JING JING**
 - A. JING is the owner and only Licensed Massage Therapist listed on the applications of LAVENDER, J&R and JJ.
 - B. JING was present at LAVENDER during an undercover operation by the East Baton Rouge Parish Sheriff’s Office (“EBRSO”). In response to a request for a male massage

therapist, JING stated no male massage therapist worked at the establishment, (Testimony of EBRPSO Officer).

- C. On December 16, 2021, Massage Therapist License No. 7964 of JING for April 1, 2021 through March 31, 2022 was suspended pursuant to La. R.S. 49:961(C) pending an administrative hearing scheduled for January 21, 2022. On December 16, 2021, the Order of Summary Suspension was sent to JING's email address on his application and by U.S. Certified Mail to his address of record. The U.S. Certified Mail was delivered to JING's address of record on December 18, 2021, (Board Exhibit 3).
- D. On February 22, 2022, a Re-Notice of Hearing setting the administrative hearing for March 24, 2022, was sent to JING's email address on his application and by U.S. Certified Mail to his address of record and to LAVENDER and J&R. The U.S. Certified Mail was delivered to LAVENDER on February 23, 2022 and to J&R on February 24, 2022, (Board Exhibit 4).
- E. Prior to the hearing JING advised that he did not intend to appear for the hearing.
- F. JING did not appear for the hearing.

3. LAVENDER MASSAGE

- A. LAVENDER is owned by JING.
- B. JING is the only Licensed Massage Therapist listed on the application of LAVENDER.
- C. JING was present at LAVENDER during an undercover operation by the East Baton Rouge Parish Sheriff's Office ("EBRSO"). In response to a request for a male massage therapist, JING stated no male massage therapist worked at the establishment, (Testimony of EBRPSO Officer).
- D. On December 16, 2021, Massage Establishment License No. E4467 of LAVENDER at 11225 Boardwalk Drive, Baton Rouge, LA 70816 from April 1, 2021 through March 31, 2022 was suspended pursuant to La. R.S. 49:961(C) pending the administrative hearing scheduled for January 21, 2022. On December 16, 2021, the Order of Summary Suspension was sent to JING's email address on his application and by U.S. Certified Mail to his address of record. The U.S. Certified Mail was delivered to JING's address of record on December 18, 2021, (Board Exhibit 3).
- E. On February 22, 2022, a Re-Notice of Hearing setting the administrative hearing for March 24, 2022, was sent to JING's email address on his application and by U.S. Certified Mail to LAVENDER. The U.S. Certified Mail was delivered to LAVENDER on February 23, 2022, (Board Exhibit 4).
- F. Prior to the hearing JING advised that he did not intend to appear for the hearing.
- G. No representative of LAVENDER appeared for the hearing.

4. **J&R MASSAGE**

- A. J&R is owned by JING.
- B. JING is the only Licensed Massage Therapist listed on the application of J&R.
- C. On December 16, 2021, the Massage Establishment License No. E3615 for J&R at 1962 O’Neal Lane, Suite I Baton Rouge, LA 70816 for April 1, 2022 through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the administrative hearing scheduled for January 21, 2022. On December 16, 2021, the Order of Summary Suspension was sent to JING’s email address on his application and by U.S. Certified Mail to his address of record. The U.S. Certified Mail was delivered to JING’s address of record on December 18, 2021, (Board Exhibit 3).
- D. On February 22, 2022, a Re-Notice of Hearing setting the administrative hearing for March 24, 2022, was sent to JING’s email address on his application and by U.S. Certified Mail to J&R. The U.S. Certified Mail was delivered to J&R on February 24, 2022, (Board Exhibit 4).
- E. Prior to the hearing JING advised that he did not intend to appear for the hearing.
- F. No representative of J&R appeared for the hearing.

5. **JJ RELAXATION**

- A. JJ is owned by JING.
- B. JING is the only Licensed Massage Therapist listed on the application of JJ.
- C. On December 16, 2022, Massage Establishment License No. E3616 issued by the Board to JJ to operate a Massage Establishment at 10126 Jefferson Highway, Baton Rouge, LA 70809 from April 1, 2021 through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the administrative hearing scheduled for January 21, 2022. On December 16, 2021, the Order of Summary Suspension was sent to JING’s email address on his application and by U.S. Certified Mail to his address of record. The U.S. Certified Mail was delivered to JING’s address of record on December 18, 2021, (Board Exhibit 3).
- D. On February 22, 2022, a Re-Notice of Hearing setting the administrative hearing for March 24, 2022, was sent to JING’s email address on his application and by U.S. Certified Mail to his address of record and to LAVENDER and J&R, establishments owned by JING. The U.S. Certified Mail was delivered to LAVENDER on February 23, 2022 and to J&R on February 24, 2022, (Board Exhibit 4).
- E. Prior to the hearing JING advised that he did not intend to appear for the hearing.
- F. No representative of JJ appeared for the hearing.

CONCLUSIONS OF LAW

- 1. JING JING, LAVENDER MASSAGE, J&R MASSAGE and JJ RELAXATION violated:
 - A. La R.S. 37:3558(B) requiring massage establishments to employ or contract only with licensed massage therapists to perform massage therapy;

- B. La. R.S. 37:3558(D) prohibiting a sexually oriented business from registering as a massage establishment and operating as a massage establishment;
 - C. LAC 46:XLIV.3101(A) prohibiting “[a]ll sexual activity by any person or persons in any massage establishment; and
 - D. LAC 46:XLIV.3101(B) prohibiting massage establishment owners and operators from engaging in, or permitting any person or persons to engage in, sexual activity in a massage establishment.
2. La. R.S. 37:3555(A)(1) authorizes the Board to discipline individuals and establishments licensed by the Board for violations of the law and to authorizes the Board to impose fines and penalties.
 3. La. R.S. 37:3563(A)(3) authorizes the Board to suspend, revoke, or refuse to renew a license after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public, as defined by the Board’s rules.
 4. La. R.S. 37:3563(A)(6) authorizes the Board to suspend, revoke, or refuse to renew a license after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of violating or aiding and abetting in the violation of any provisions of Chapter 57 of Title 37 of the Louisiana Revised Statutes or the rules and regulations promulgated thereunder.

ORDER

Considering the applicable laws and the evidence and testimony presented, the Louisiana State Board of Massage Therapy finds violations of La. R.S. 37:355(A)(3) and (6) and L.A.C. 46:XLIV.3101(A) and (B) which occurred at the licensed Massage Establishments, require disciplinary action, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on JING JING and Massage Therapist License No. 7964 issued to JING JING is hereby revoked and is ineligible for renewal or reinstatement until all charges are resolved and JING JING appears before the Board;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on LAVENDER MASSAGE and Massage Establishment License No. E4457 issued to LAVENDER MASSAGE is hereby revoked and is ineligible for renewal or reinstatement;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on J&R MASSAGE and Massage Establishment License No. E3615 issued to J&R MASSAGE is hereby revoked and is ineligible for renewal or reinstatement;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on JJ RELAXATION SPA and Massage Establishment License No. E3616 issued to JJ RELAXATION SPA is hereby revoked and is ineligible for renewal or reinstatement; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3) all costs of this proceeding are assessed to JING JING, LAVENDER MASSAGE, J&R MASSAGE and JJ RELAXATION SPA.

Signed this 19th day of July 2022.

For the Louisiana Board of Massage Therapy


Kathryn Lea Love, Board Chair