

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE CONSOLIDATED MATTERS OF:

CANFENG LI, Massage Therapist No. 9389

MESSAGE LIFE, LLC Massage Establishment No. E4715 (Closed 02/28/2022)

CANFENG LI D/B/A SHINY PEAK, Massage Establishment No. E4753

SHINY PEAK, LLC, Massage Establishment Nos. E4695 and 4680

MK FOOT RELAX, LLC Massage Establishment No. E4698

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 June 10, 2022 relative to the Orders of Summary Suspension issued on May 10, 2022 for Massage Therapist License No. 9389 issued to CANFENG LI (“LI”), Massage Establishment License No. E4715 issued to MESSAGE LIFE, LLC (“MESSAGE LIFE”), Massage Establishment License No. E4753 issued to CANFENG LI D/B/A SHINY PEAK (“SP-NELSON”), Massage Establishment License No. E4695 issued to SHINY PEAK, LLC (“SP-PRIEN LAKE”), Massage Establishment License No. E4680 issued to SHINY PEAK, LLC (“SP-McNEESE”), (collectively “SP ESTABLISHMENTS”) and Massage Establishment License No. E4698 issued to MK FOOT RELAX, LLC (“MK”).

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

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

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

James Raines, serving as Complaint Counsel;

CANFENG LI appeared, individually and on behalf of SHINY PEAK and SHINY PEAK, LLC, and participated with the assistance of Shuang Yon Tong, Mandarin Chinese Language Interpreter selected by CANFENG LI;

Li Yong appeared for MESSAGE LIFE, LLC and participated with the assistance of a Frank Yam, Mandarin Chinese Language Interpreter selected by Li Yong;

Xing Chang Li appeared for MK FOOT RELAX, LLC and participated with the assistance of Frank Yam, Mandarin Chinese Language Interpreter selected by Xing Chang Li; and

Summer Mendez appeared via videoconference for MASSAGE LIFE, LLC.

FINDINGS OF FACT

1. The Board received information regarding arrests made by the Denham Springs Police Department (“DSPD”) for charges of knowingly violating Denham Springs Code of Ordinances §66-124, entitled “Keeping a Disorderly Place,” and the issuance of a summons for charges of knowingly violated La. R.S. 14:83.3, entitled “Prostitution by Massage” at MASSAGE LIFE on March 3, 2022.
2. On March 29, 2022, the Board issued a Subpoena Duces Tecum to DSPD for information relative to the March 3, 2022 arrest at MASSAGE LIFE, (Board Exhibit 1).
3. In response to the Subpoena Duces Tecum, DSPD provided the report of the February 1, 2022 incident and detailing the undercover investigation during which an unlicensed female accepted money for and performed a massage on an undercover officer and offered to engage in prostitution at MASSAGE LIFE, (Board Exhibit 1).

4. **CANFENG LI**

- A. LI is the sole Licensed Massage Therapist listed on the Establishment Application for MASSAGE LIFE, (Board Exhibit 4-B).
- B. LI is the sole Licensed Massage Therapist listed on the Establishment Application of MK, Board Exhibit 4-B).
- C. LI is the owner and sole Licensed Massage Therapist on the Applications of the SHINY PEAK ESTABLISHMENTS, (Board Exhibits 4-C, 4-D and 4-E).
- D. On May 10, 2022, LI’s Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2). On May 10, 2022, the Order of Summary Suspension was sent to LI’s email address on his application and by U.S. Certified Mail to his address of record, the address of SP – McNEESE, and to SP-NELSON, c/o LI, SP-McNEESE c/o LI and SP-PRIEN LAKE c/o LI. The U.S. Certified Mail sent to SP-NELSON was delivered on May 13, 2022, the U.S. Certified Mail sent to SP-PRIEN LAKE was delivered.
- E. LI testified:
 1. He hired the female worker at MASSAGE LIFE who was issued the citation;
 2. The worker said she had a license, he was in Lake Charles and accepts responsibility;
 3. He was unaware of what the worker was doing at MASSAGE LIFE;
 4. He told the worker that prostitution was prohibited;

5. He is the Licensed Massage Therapist for six establishments;
 6. He applies as the Licensed Massage Therapist to get approval of the establishment and then hires workers;
 7. Workers won't allow him to use their licenses;
 8. Summer Mendez completed the establishment application for him, she is not an owner;
 9. He is a partner in Wellness Spa on Bluebonnet Boulevard in Baton Rouge;
 10. Was not aware of March 2022 inspection of Wellness Spa;
 11. SHINY PEAK is his personal business which requires employees to do regular work, only listed himself but will submit other licenses;
 12. He attended massage school in Los Angeles, California; and
 13. He intends to shut down Wellness Spa in Baton Rouge.
- F. LI aided and abetted in the violation of provisions of Chapter 57 or Title 37 of the Louisiana Revised Statutes and the rules promulgated by the Board by hiring an unlicensed individual to perform massages and operate MASSAGE LIFE, a sexually oriented business.
- G. LI aided and abetted in the violation of provisions of Chapter 57 or Title 37 of the Louisiana Revised Statutes and the rules promulgated by the Board by participating in the operation of Licensed Massage Establishments which employ unlicensed individuals to perform massage therapy.

5. **MESSAGE LIFE**

- A. MESSAGE LIFE at 112 N. Hummel Street, Denham Springs, Louisiana 70726 is owned by Yong Li who is not licensed by the Board, (Board Exhibit 4-B), (Testimony of Summer Mendes and Summer Mendes).
- B. LI is the sole Licensed Massage Therapist on MESSAGE LIFE's application, (Board Exhibit 4-B).
- C. On February 1, 2022, during an undercover investigation an unlicensed female accepted money for and performed a massage and offered to engage in prostitution at MESSAGE LIFE, (Board Exhibit 1).
- D. On February 28, 2022, the Board's records were updated at the request of Yong Li to indicate MESSAGE LIFE was closed, (Board Exhibit 4-B).
- E. On May 10, 2022, LI's Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- F. On May 10, 2022, Massage Establishment License No. E4715 for MESSAGE LIFE valid through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing. On May 10, 2022, the Order of Summary Suspension was sent to Summer Mendes' email address on the application and by U.S. Certified Mail to her address of record. The U.S. Certified Mail was delivered to Summer on May 14, 2022, (Board Exhibit 3).

G. Yong Li testified:

1. He is so sorry that something happened at a location where he is the owner; and
2. He will voluntarily surrender the license.

6. **CANFENG LI D/B/A SHINY PEAK-NELSON**

- A. SP-McNEESE at 4015 Nelson Road, Lake Charles, Louisiana 70605 is owned by LI, (Board Exhibit 4-C).
- B. LI is the sole Licensed Massage Therapist on SP-NELSON's application, (Board Exhibit 4-C).
- C. On May 10, 2022, LI's Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- D. On May 10, 2022, Massage Establishment No. 4753 for SP-NELSON valid through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2). The Order of Summary Suspension was sent to LI's email address on his application and by U.S. Certified Mail to his address of record, SP-McNEESE, to SP-NELSON, c/o LI, to SP-McNEESE c/o LI and to SP-PRIEN LAKE c/o LI. The U.S. Certified Mail sent to SP-NELSON was delivered on May 13, 2022, the U.S. Certified Mail sent to SP-PRIEN LAKE was delivered, (Board Exhibit 3).

7. **SHINY PEAK-MCNEESE**

- A. SP-McNEESE at 425 McNeese Street, Lake Charles, Louisiana 70605 is owned by LI, (Board Exhibit 4-D).
- B. LI is the sole Licensed Massage Therapist listed on SP-PRIEN LAKE's application, (Board Exhibit 4-D).
- C. On May 10, 2022, LI's Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- D. On May 10, 2022, Massage Establishment No. 4695 for SP-McNEESE valid through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2). The Order of Summary Suspension was sent to LI's email address on his application and by U.S. Certified Mail to his address of record, SP-McNEESE, to SP-NELSON, c/o LI, to SP-McNEESE c/o LI and to SP-PRIEN LAKE c/o LI. The U.S. Certified Mail sent to SP-NELSON was delivered on May 13, 2022, the U.S. Certified Mail sent to SP-PRIEN LAKE was delivered, (Board Exhibit 3).

8. **SHINY PEAK-PRIEN LAKE**

- A. SP-PRIEN LAKE at 803 E. Prien Lake Road, Lake Charles, Louisiana 70601 is owned by LI, (Board Exhibit 4-E).
- B. LI is the sole Licensed Massage Therapist on SP-PRIEN LAKE's application, (Board Exhibit 4-C).

- C. On May 10, 2022, LI's Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- D. On May 10, 2022, Massage Establishment No. 4680 for SP-PRIEN LAKE valid through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2). The Order of Summary Suspension was sent to LI's email address on his application and by U.S. Certified Mail to his address of record, the address of SP – McNEESE, to SP-NELSON, c/o LI, to SP-McNEESE c/o LI and to SP-PRIEN LAKE c/o LI. The U.S. Certified Mail sent to SP-NELSON was delivered on May 13, 2022, the U.S. Certified Mail sent to SP-PRIEN LAKE was delivered, (Board Exhibit 3).

9. **MK FOOT RELAX**

- A. MK at 118 Arnould Boulevard, Lafayette, Louisiana 70506 is owned by Xing Chang Li who is not licensed by the Board, (Board Exhibit, 4F).
- B. LI is the sole Licensed Massage Therapist on MK's application, (Board Exhibit 4-F).
- C. On May 10, 2022, LI's Massage Therapist License No. 9389 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing, (Board Exhibit 2).
- D. On May 10, 2022, Massage Establishment License No. E4698 for MK valid through March 31, 2023 was suspended pursuant to La. R.S. 49:961(C) pending the June 10, 2022 administrative hearing. On May 10, 2022, the Order of Summary Suspension was sent to MK's email address on the application and by U.S. Certified Mail to MK, (Board Exhibit 3).
- E. Xing Chang Li testified:
 - 1. Our store has nothing to do with the charges against the other establishment.
 - 2. He doesn't know any of the people associated with the MASSAGE LIFE case.
 - 3. He is a partner of LI in the beginning.
 - 4. He manages the Lafayette store and a lady friend helps him.
 - 5. MK is closed, he will surrender the license.

CONCLUSIONS OF LAW

- 1. CANFENG LI and MASSAGE LIFE, LLC violated:
 - A. La. R.S. 37:3558(A)(1) requiring "[e]ach person engaging in the practice of massage therapy at a massage establishment shall be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card), which shall identify the therapist as being properly licensed";
 - B. La R.S. 37:3558(B) requiring massage establishments to employ or contract only with licensed massage therapists to perform massage therapy;
 - C. La. R.S. 37:3558(D) prohibiting a sexually oriented business from registering as a massage establishment and operating as a massage establishment;

- D. LAC 46:XLIV.3101(A) prohibiting “[a]ll sexual activity by any person or persons in any massage establishment; and
 - E. 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) and La. R.S. 37:3563 authorize the Board to discipline licensed individuals and establishments 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.
 5. La R.S. 37:3563(D) requires the Board to “revoke the license of any person if the board determines that the establishment is a sexually oriented business as defined in R.S. 37:3558(C)” which includes “offering of a service sexual ... intended to provide sexual stimulation or sexual gratification to the customer.”

ORDER

Considering the applicable laws and the evidence and testimony presented, the Louisiana State Board of Massage Therapy finds violations of La. R.S. 37:3558(A)(1), (B) and (D) and L.A.C. 46:XLIV.3101(A) and (B) occurred at MASSAGE LIFE, LLC and determines that the establishment is a sexually oriented business as defined in La. R.S. 37:3558(C); therefore,

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on CANFENG LI and Massage Therapist License No. 9389 issued to CANFENG LI is hereby revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on MASSAGE LIFE, LLC and Massage Establishment License No. E4715 issued to MASSAGE LIFE, LLC is hereby revoked and is ineligible for renewal or reinstatement;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Massage Establishment License No. E4753 of CANFENG LI D/B/A SHINY PEAK owned by CANFENG LI is revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Massage Establishment License Nos. E4695 and 4680 of SHINY PEAK, LLC owned and operated by CANFENG LI are revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Massage Establishment License No. E4698 of MK FOOT RELAX, LLC where CANFENG LI is the only Licensed Massage Therapist is revoked; 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 CANFENG LI, SHINY PEAK, LLC and MASSAGE LIFE, LLC.

Signed this 29th day of July 2022.

For the Louisiana Board of Massage Therapy



Kathryn Lea Love, Board Chair