

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE CONSOLIDATED MATTERS OF:

**SHAMBALA MASSAGE THERAPY, LLC, Massage Establishment No. E4619
(Closed 03/09/2022 at Licensee's Request)**

LI MA, Massage Therapist No. 9289

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 April 8, 2022 following the Orders of Summary Suspension effective March 7, 2022 for Massage Therapist License No. E4619 issued to Shambala Massage Therapy, LLC ("SHAMBALA"), Massage Therapist License No. 9608 issued to CONGMEI WEI and Massage Therapist License No. 9289 issued to LI MA. During the hearing, LI MA requested a continuance to obtain the assistance of counsel and consented to the extension of the May 10, 2022 Summary Suspensions. Additionally, LI MA requested the assistance of a language interpreter. The hearing was recessed.

During the recess, CHONGMEI WEI entered a Voluntary Surrender of License Agreement with the Board in which she agreed to surrender Massage Therapist License No. 9608 and that she is ineligible to apply for reinstatement for a period of five years, (Board Exhibit 5-B).

The administrative hearing resumed on June 10, 2022.

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 hearing;

Gregory Miller counsel for LI MA, individually and as owner of SHAMBALA and Roy McDow, owner of SHAMBALA;

Roy McDow, on behalf of SHAMBALA;

Liu Ting Chen, Mandarin Chinese language interpreter;

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

James Raines, serving as Complaint Counsel.

STIPULATIONS OF FACT

1. LI MA's name is not included in the record of the arrest made by the Bossier Parish Sheriff's Office ("Bossier Sheriff") for the charge of prostitution which occurred at SHAMBALA located at Location 1416 Airline Drive, Bossier City, LA 71112 in January of 2022.
2. Roy McDow's name is not included in the record of the arrest made by the Bossier Parish Sheriff's Office ("Bossier Sheriff") for the charge of prostitution which occurred at SHAMBALA located at Location 1416 Airline Drive, Bossier City, LA 71112 in January of 2022.
3. A document entitled "Agreement" dated November 11, 2021, signed by Roy McDow and Chongmei Wei and notarized by Janis Castine states Chongmei Wei will take over Shambala Massage Therapy as manager, (JOINT EXHIBIT 1).
4. The Agreement states:
 - I. Every massage therapist must abide the law of Federation and Louisiana State law; do not commit prostitution crime. If who is charged with prostitution crime, she not only is responsible for loss of herself, and also of the business owner and another massage therapist who is involved in this case.
 - II. When a client is not cooperating or ask for sex, all of the massage therapist should resist sexual assault and stop working. If you still have the problem, you should call the employer or call 911 immediately.
5. The Statement Summary for a First Guaranty Bank account in the name of Roy Travis McDow, Jr and MA LI with an address of 8730 Highway 169, Mooringsport, Louisiana dated December 5, 2021 includes deposits of \$17,700 made on November 12, 2021 and of \$4,100 on November 23, 2021, (JOINT EXHIBIT 2).
6. Check number 1153 dated November 13, 2021 in the amount of \$4,100 signed by Yinzhen Guo was issued from the account in the name of Yinzhen Health Spa, Inc. located at 1421 N. Lee Trevino Dr., Ste. D4 in El Paso, Texas to Roy McDow, (JOINT EXHIBIT 3, p.1).
7. Check number 114 dated November 2, 2021 in the amount of \$2,300 signed by Yanhong Cai was issued from the account in the name of Yanhong Cai with the address of 1188 N. Yarbrough Dr., Ste. H, in El Paso, Texas to Roy McDow, (JOINT EXHIBIT 3, p. 2).
8. Print outs of text messages show records of calls which include the Board's phone number, (JOINT EXHIBIT 4).

FINDINGS OF FACT

1. LI MA
 - A. At all times material to the facts alleged in the Administrative Complaint, LI MA was listed on the Board's records as the sole Licensed Massage Therapist on SHAMBALA's application.

B. On March 7, 2022, LI MA's Massage Therapist License No. 9289 issued by the Board on April 1, 2022 and valid through March 31, 2022 (Board Exhibit) was suspended pursuant to La. R.S. 49:961(C) pending an administrative hearing scheduled for April 8, 2022, (Board Exhibit 3).

2. **SHAMBALA**

- A. At all times material to the facts alleged in the Administrative Complaint in the above captioned matter, LI MA and Roy McDow were owners of SHAMBALA located at 1416 Bossier Drive, Bossier City, LA 71112 which has 8730 Highway 169, Morringsport, LA 71060 listed as its mailing address for Shambala.
- B. On January 25, 2022, the Board received information regarding the issuance of a summons by the Bossier Parish Sheriff's Office ("Bossier Sheriff") to Chongmei Wei for prostitution in violation of La. R.S. 14:82 at SHAMBALA.
- C. Based on the information received from the Bossier Sheriff, on March 7, 2022, Massage Establishment Number E4619 issued to SHAMBALA was suspended pursuant to La. R.S. 49:961(C) pending an administrative hearing scheduled before the Board on April 8, 2022, (Board Exhibit 3).
- D. Based on the information received from the Bossier Sheriff, on March 7, 2022, Massage Therapist License No. 9608 issued to Chongmei Wei and License Therapist License No. 9289 issued to LI MA were suspended pursuant to La. R.S. 49:961(C) pending an administrative hearing scheduled before the Board on April 8, 2022, (Board Exhibit 3).
- E. On March 7, 2022, Notice of the Order of Summary Suspension was sent McDow's email address lingfangsun@yahoo.com on its licensure application and by U.S. Certified Mail to 8730 Highway 169, Mooringsport, Louisiana 71060. The U.S. Certified Mail was delivered on March 10, 2022.
- F. Mr. McDow testified as follows:
1. Since March of 2021, he was the agent, owner and manager of SHAMBALA;
 2. SHAMBALA opened in April of 2021;
 3. In October 2021, Chongmei Wei and Roy McDow entered an oral agreement for Chongmei Wei to purchase Shambala Massage Therapy, LLC, from Roy McDow for \$21,000.00;
 4. Vivian Wang from El Paso, Texas who helps set up students in business prepared the purchase agreement for SHAMBALA;
 5. On November 11, 2021, a written purchase agreement was executed in the presence of a Notary Public by Roy McDow and Chongmei Wei; The purchase agreement for Shambala Massage Therapy, LLC imposed various conditions on Chongmei Wei regarding the management of the business.
 6. He received a check in the amount of \$2,300 from Yen Hong;
 7. He remained the tenant on the lease for SHAMBALA;

8. He and LI MA attempted to contact the Board repeatedly to inquire about transferring the license of SHAMBALA, including on October 29, 2021, and December 27, 2021, but did not receive responses to telephone messages to the BOARD.
 9. Had contact been established, the licenses would have transferred before Congmei Wei's arrest on January 25, 2022.
 10. LI MA and Roy McDow were not involved in the sexual act performed by Chongmei Wei on January 25, 2022.
- G. LI MA testified with the assistance of a language interpreter as follows:
1. She sold SHAMBALA to her teacher who was helping a student to start a business;
 2. Wong is a teacher in El Paso;
 3. She and her husband, Roy McDow, started SHAMBALA;
 4. Roy McDow completed all of the license applications;
 5. Ms. Wong helped with the license application before she married Roy McDow on June 28, 2020;
 6. All communications go to Roy McDow, she does not check email; and
 7. Ms. Wang helped Roy McDow prepare the applications.

CONCLUSIONS OF LAW

MA LI and SHAMBALA and the owners thereof 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 SHAMBALA by attempting to transfer the facility license without notice to the Board.

ORDER

Considering the proposed findings of fact submitted by Gregory Miller and James Rains, the Board accepts the findings incorporated into the foregoing Findings of Fact and rejects all proposed findings not incorporated in the foregoing Findings of Fact;

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 for attempting to transfer a massage establishment license therefore,

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on MA LI and Massage Therapist License No. 9289 is hereby revoked and is ineligible for reinstatement until LI MA pays all fines and costs set forth herein and demonstrates that she meets all requirements for licensure;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to LAC 46:XLIV.5501(B)(3), a fine of \$1,000 is imposed on SHAMBALA Massage Establishment License No. E4619 issued to SHAMBALA where LI MA was listed as the only Licensed Massage Therapist is hereby 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 LI MA and SHAMBALA.

Signed this 2 day of ~~August~~^{September} 2022.

For the Louisiana Board of Massage Therapy


Kathryn Lea Love, Board Chair