## LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF:

RAINBOW SPA LI, Establishment License No. E4646 (Expired) 14111 Airline Highway Baton Rouge, LA 70817

# FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Pursuant to La. R.S. 37:3563 and applicable provisions of the Louisiana Administrative Procedure Act, an administrative hearing was scheduled to held before the Louisiana Board of Massage Therapy ("Board") on September 25, 2023, relative to the Notice of Intent to Deny Renewal Application for Massage Establishment License No. E4646 issued to Chunzi Li for the operation of RAINBOW SPA LI, at 14111 Airline Highway, Baton Rouge, LA 70817. The hearing was continued to January 29, 2024, due to the owner's unavailability and the summary suspension was extended. On January 29, 2024, hearing, the matter was continued to March 10, 2024, at the request of owner, Chunzi Li. On March 10, 2024, the matter was continued to August 23, 2024, as requested by the owner, Chunzi Li.

Present were: Toshii Cooper; Amie Dudziniski; Kathryn Lea Love, Chair;

Karla Swacker; and Rosemary H. Wilkinson, Board

Members;

Sheri M. Morris, Counsel for the Board;

James R. Raines, Complaint Counsel; and

Monique Fields, Attorney for Chunzi Li, owner of,

RAINBOW SPA LI, ("Licensee").

### FINDINGS OF FACT

- 1. On or about March 1, 2023, Chunzi Li submitted a Renewal Application for Massage Establishment License No. E4646 for RAINBOW SPA LI located at 14111 Airline Highway in Baton Rouge with phone number (225) 288-3314 (Board Exhibit A).
- 2. Advertisements with the address on the Application were found on websites advertising sexually oriented services including, CaliGirlxguide, Hot.com, ECCIE, WorldEscortsPage, MyEscortNetwork, PinkRubs, RubsGuide, RubMaps, BackPageGals, WorldEscortHub, CallEscort, BodyRuugPage, OnDate, SkiptheGames, SumoSearch, and XEscortHub. Ads on websites advertising sexually-oriented businesses with the address on the Application included women in lingerie represented to be massage therapists, (Board Exhibit B).

- 3. On March 1, 2023, it was reported that law enforcement began investigating prostitution at massage establishments in East Baton Rouge Parish. RAINBOW SPA LI was one the massage establishments under investigation. Officers seized financial records, DVR, and \$2,175 in cash from RAINBOW SPA LI during an investigation, (Boad Exhibit B).
- 4. On June 1, 2023, the Board issued a Cease and Desist Notice ordering Y&L Body Relaxation Asian Massage to cease the practice of massage therapy without a current massage establishment license, (Board Exhibit C).
- 5. On or about July 12, 2023, the Board sent a Notice of Intent to Deny Renewal Application for Establishment License No. E4646 and Notice of Hearing to Chunzi Li via email and U.S. regular and Certified Mail No. 9589 0710 5270 0580 6086 00 and advised the administrative hearing would be held on September 25, 2023, (Board Exhibit 3). The matter was continued the matter to the January 29, 2024 Board meeting due to no parties being present for the hearing.
- 6. At the January Board meeting, the matter was continued to the March Board meeting due to no parties being present for the hearing. The board meeting was set for March 10, 2024.
- 7. At the March Board meeting, the hearing was continued to the August Board meeting due to Licensee stating he would enter a consent agreement with voluntary surrender the license The Board continued the hearing and extended the summary suspension for 14 days to complete the consent agreement.
- 8. On July 23, 2024, the hearing was rescheduled hearing set for August 23, 2024, as requested by Licensee, (Board Exhibit C).
- 9. On or about August 30, 2023, the Board Inspector conducted an inspection on the establishment and noted that the name of the establishment on the building was not the same as listed on the report. The establishment appeared to be open and in operation. There was a neon sign saying "open" and another LED light stating "massages." The Inspector was able to enter the establishment and take a few photos. A lady appeared and told the inspector she was busy and to come back later. When leaving establishment, the Inspector witnessed a male leaving the establishment within a minute after leaving establishment and another male entered the establishment sometime later, (Board Exhibit C).
- 10. On or about October 26, 2023, the Board Inspector entered the establishment and was approached by a woman who did not speak English and was wearing cut off shorts with a spaghetti strap shirt. There were no individual licenses displayed and the two establishment licenses displayed were expired, the restrooms needed repairs and mildew was on the walls. The Inspector spoke with an employee named CiCi, who stated customers do not fill out paperwork and she did not know the name of the owner of the establishment. Promotional items at the establishment were for RAINBOW SPA LI, however, the sign outside stated Y&L RELAXATION, (Board Exhibit C).
- 11. On or about June 5, 2024, when the Board Inspector conducted a third inspection, there were no individual licenses display and the establishment licenses displayed were expired. The

signage outside stated Y&L RELAXTION. There were two women present. one wearing a spaghetti strapped shirt with cut off shorts and the other wearing a red and white schoolgirl outfit with pigtails. The bathroom appeared to have mold and mildew on the bottom half of the wall and baseboards. The women could not provide the owner's name or intake forms for clients. Several rooms in the establishment had beds, pillows, blankets, clothes, and personal items, (Board Exhibit C).

- 12. On June 5, 2024, the Board Inspector issued a Cease and Desist Notice ordering Respondent to stop any and all engagement in the practice of massage therapy without a current massage establishment license. The Cease and Desist Notice was signed by Qin Xin, an employee, (Board Exhibit C).
- 13. On August 8, 2024, when the Board Inspector entered the establishment, she was approached by a female who she informed she was with the Board and was there to complete an inspection. The woman became upset and asked the Board Inspector to call her "husband." The inspector informed him that she was there to complete an inspection, take photos, and remove the printed licenses. No individual licenses were displayed. Two rooms at the establishment had beds in them and clothes and toiletry items. The Board's Inspector informed the "husband" that a cease and desist would be issued, (Board Exhibit C).
- 14. On August 8, 2024, the Board Inspector issued a Cease and Desist Notice ordering Respondent to stop any and all engagement in the practice of massage therapy without a current massage establishment license. The Cease and Desist Notice was signed by Qin Xin, an employee, (Board Exhibit C).

### 15. Board's Inspector testified:

- A. When establishment was inspected on August 30, 2023, she approached the door and it was locked. The pictures from the inspection report were received in office today.
- B. The establishment was open and a man walked out of establishment.
- C. She taped the report to the door and took a business card from the door.
- D. She entered the establishment after a second man entered the establishment.
- E. A lady who approached her with oil on her hands and stated she was busy.
- F. For the August 8, 2024, inspection, she was able to enter the establishment.
- G. When she informed the woman who came to the front from the back she was there to complete an inspection, the woman began crying and handed her the licenses on the wall. The licenses were expired. No massage establishment license was present.

## 16. Monque Fields informed the Board:

- A. The sign stated Y&L RELAXATION and it was the same name and phone number on some of the advertisements.
- B. CiCi is unlicensed and was working part-time.

C. The inspections only show individuals entering the establishment.

#### **CONCLUSION OF LAW**

La. R.S. 37:3558(D) prohibits licensure of a sexually oriented businesses as a massage establishment.

#### <u>ORDER</u>

Considering the applicable law, testimony and evidence;

IT IS ORDERED, ADJUDGED and DECREED that the Renewal Application for Massage Establishment License No. E4646, submitted by CHUNZI LI is hereby DENIED;

IT IS FURTHER, ADJUDGED AND DECREED that a Cease and Desist Notice shall be delivered to RAINBOW SPA LI, and CHUNZI LI;

IT IS FURTHER, ADJUDGED AND DECREED that pursuant to L.A.C. 46:XLIV.5501(B)(3), a fine of \$1,000 per violation totaling \$4,000 is imposed on CHUNZI LI, owner;

IT IS FURTHER, ADJUDGED AND DECREED that costs of this proceeding in the amount of \$1,000 are assessed to CHUNZI LI; and

IT IS FURTHER ORDED, ADJUDGED and DECREED that CHUNZI LI and RAINBOW SPA LI, Massage Establishment License No. E4646, are ineligible for licensure by the Board until the fines and costs totaling \$5,000 are paid in full and Chunzi Li appears before the Board and demonstrates compliance with all applicable laws.

Signed this <u>/</u> day of September 2024.

For the Louisiana Board of Massage Therapy

Please notify via Certified U.S. Mail and Regular Mail:

RAINBOW SPA LI 1411 Airline Highway, Suite 113 Baton Rouge, LA 70817

Monique Fields, Attorney 3022 Ray Weiland Drive Baker, LA 70704

Email: mhfieldslaw@gmail.com