

FILED

JAN 08 2013

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MASSAGE AND BODYWORK THERAPY

IN THE MATTER OF THE
CERTIFICATION OF

OPRAH YI

AS A MASSAGE, BODYWORK AND
SOMATIC THERAPIST

FINAL ORDER OF
DENIAL OF CERTIFICATION/
LICENSE

This matter was opened to the Massage, Bodywork and Somatic Therapy Examining Committee (the Committee) upon receipt of information which the Committee has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Oprah Yi applied for certification by the Massage, Bodywork and Somatic Therapy Examining Committee by means of an application dated April 10, 2012.
2. On Ms. Yi's application, she checked "no" in response to the question as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.
3. Ms. Yi underwent a criminal history background check which indicated that Ms. Yi had been arrested twice on

prostitution charges, on January 31, 1988 and on June 8, 1988, in Mineola, New York. The background check indicated that the first arrest resulted in a conviction and then a conditional discharge, with a \$500.00 assessment. The disposition of the second arrest was not available.

4. In response to a request for information relating to the arrests, including a narrative statement explaining the conduct that led to the arrests, Ms. Yi indicated that she was unable to find records relating to the arrests, because they were too old. She further indicated that she responded "no" to the application questions relating to arrests or convictions because of a miscommunication with the translator who wrote on her behalf.

CONCLUSIONS OF LAW

1. Ms. Yi's failure to disclose on her application that she had been arrested on prostitution charges constitutes a violation of N.J.S.A. 45:1-21(b).

2. Respondent's failure to respond to the Committee's request for information and/or to provide any documentation relating to the arrests constitutes a violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting her to denial of her request for certification pursuant to N.J.S.A. 45:21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on

August 27, 2012, provisionally denying Ms. Yi's application for certification. A copy of the Order was forwarded to Ms. Yi by certified and regular mail at her address of record. The Provisional Order was subject to finalization at 5:00 p.m. on the 30th business day following entry unless Ms. Yi requested a modification or dismissal or the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Yi's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of the Order was signed for, and the regular mailing was not returned, no response has been received to date. The Board of Massage and Bodywork Therapy ("Board") has replaced the Committee as of September 4, 2012 pursuant to P.L. 2007, c. 377, the "Massage and Bodywork Therapist Licensing Act." The Board considered the matter, and found that service had been effected. The Board further determined that additional proceedings were not warranted, inasmuch as no discrepancies had been raised with respect to the findings of fact and conclusions of law, and that the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 8th DAY of January, 2012, ²⁰¹³ ~~2012~~, ^{AC}

ORDERED that:

1. Ms. Yi's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, deemed as of September 4, 2012 to constitute an application for licensure, is hereby denied.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:



Deborah Overholt
Chairperson