



on April 30, 2004 in New Jersey for solicitation of prostitution. The charges were dismissed.

4. In a letter dated October 5, 2012, Ms. Li was asked to explain the facts and circumstances that led to the arrest, and to explain why she checked "no" in response to the questions on the application relating to her arrest history. She indicated that she did not carefully read the questions on the application. With respect to the circumstances that led to the arrest, she claimed that it occurred on her first day of work, but did not indicate where she was working, or the nature of the work she was performing, or provide any indication of why the police appeared at the place of employment.

#### CONCLUSIONS OF LAW

1. Ms. Li's failure to accurately respond to the questions about arrests on her application constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b) in connection with an arrest that relates adversely to the practice of massage and bodywork therapy.

2. Respondent's failure to adequately explain the conduct and circumstances that led to her arrest constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3.

#### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a

Provisional Order of Denial of Certification/Licensure was entered on January 10, 2013, provisionally denying Ms. Li's application for certification, deemed to constitute an application for licensure as of September 4, 2012. A copy of the Order was forwarded to the applicant by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless the applicant requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written response for modification for 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 the applicant's request for consideration and reasons therefor.

James R. Pastor, Esquire, Aiello Harris, attorney for the applicant, submitted a written response to the Provisional Order on behalf of Ms. Li on or about March 8, 2013. In this response, she furnished a more detailed explanation of the facts and circumstances that led to her arrest. This information persuaded the Board that the applicant had cooperated with it as required by the applicable regulation. Therefore, the Board rescinds its earlier conclusion that Ms. Li failed to cooperate with the Board within the intendment of N.J.A.C. 13:45C-1.2.

As to its conclusion that Ms. Li engaged in

misrepresentation when she failed to accurately respond to questions about her arrest on her application, the applicant maintained that her native language is Korean and that she cannot read English very well. Hence, she advised that she engaged the assistance of a friend to translate the application questions for her. Ms. Li maintained that she made a mistake in answering the questions regarding her arrest. She further indicated that she made a mistake in answering the application question which inquired as to whether she had a professional license of any kind in any other state. The applicant advertently advised that she did not when in fact she is licensed as a massage therapist in Florida. Ms. Li asserted that these mistakes demonstrate her lack of literacy in the English language and that her mistakes were not deliberate misrepresentations.

However, the Board finds that the applicant knew or should have known that by delegating the filling out of her application form to another person, without controlling to ascertain that the other person was furnishing accurate answers, she was not conducting herself responsibly, and risked providing inaccurate answers to the Board. Thereafter, the Board voted to finalize the Provisional Order with no modifications.

ACCORDINGLY, IT IS on this 25<sup>TH</sup> DAY of SEPTEMBER 2013,

ORDERED that:

1. Ms. Li'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.

2. Ms. Li may re-apply to the Board for certification as a Massage, Bodywork and Somatic Therapist in this State no sooner than two (2) years from the filing of this Order.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By: Deborah Overholt  
DEBORAH OVERHOLT  
Chairperson