

FILED

DEC 23 2014

**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
APPLICATION OF

WEN ZHANG

FINAL ORDER OF
DENIAL OF LICENSURE

TO PRACTICE MASSAGE AND
BODYWORK THERAPY IN THE
STATE OF NEW JERSEY

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

FINDINGS OF FACT

1. Wen Zhang submitted an application for licensure by the Board.
2. On Ms. Zhang's application, she indicated that she had never been charged with or convicted of any crime or offense.
3. A criminal history background check revealed that Ms. Zhang had been charged in 2010 with engaging in prostitution by the Freehold Township Police Department, and was convicted of that offense on March 29, 2011. A fine and costs of a total of \$1,033

were assessed. She was also charged as a Deportable Alien on December 20, 2010.

4. The applicant explained that she had been working at a New Jersey Spa at the time of the prostitution arrest. Ms. Zhang states that "the case was closed."

5. The applicant claims that she was not the person who filled out her application for licensure, but that the application was filled out for her by the massage school that she attended.

CONCLUSIONS OF LAW

1. Ms. Zhang's failure to disclose the arrest and conviction on her application constitutes misrepresentation in violation of N.J.S.A. 45:11-21(b).

2. The conduct underlying Ms. Zhang's conviction constitutes an act of moral turpitude, and relates adversely to the practice of massage and bodywork therapy within the intendment of N.J.S.A. 45:1-21(f). Ms. Zhang's failure to disclose the conviction on her application constitutes an indication of lack of rehabilitation.

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on September 25, 2014, provisionally denying Ms. Zhang's application. A copy of the Order was served upon respondent by certified and regular mail at her address of record, and a copy was also sent to respondent's attorney. The Provisional Order was subject to finalization by the

Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of 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 respondent's request for consideration and reasons therefor.

A reply was received to the Provisional Order from Ms. Zhang's school, Academy of Oriental Therapy, indicating that Ms. Zhang had asked the school to help her fill out the application form, but did not provide the school with the information that she had been charged with prostitution, and therefore, in filling out the form, the school "assumed" that the response to the questions about arrests and convictions was "no." The Board considered this matter, and determined that the information provided by the school did not alter the findings and conclusions of the Provisional Order, and did not mitigate respondent's conduct in having engaged in misrepresentation on her application, nor did it mitigate the conduct underlying the conviction on charges of prostitution. The Board therefore determined that the Provisional Order should be made final without modification.

ACCORDINGLY,

IT IS on this 23rd DAY of December, 2014,

ORDERED that:

1. Ms. Zhang's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied. No subsequent application for licensure will be entertained for a period of three years, dating from the filing of a Final Order in this matter. At the time of any subsequent application for licensure, Ms. Zhang shall be asked to demonstrate rehabilitation.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By: *Cynthia Sinicropi Philibosian*
Cynthia Sinicropi-Philibosian
Chairperson