

FILED

DEC 30 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

JINYU KANG

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. Jinyu Kang submitted an application for licensure by the Board.
2. On Ms. Kang'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. Kang was arrested on charges of prostitution on June 26, 2007. The charges were not pursued. Moreover, on that same date, Ms. Kang was arrested for alien inadmissibility.

4. Ms. Kang claimed that she was arrested at a friend's store, and was doing nothing illegal. She does not provide any other details with regard to the arrest. She claimed that she answered "no" to the question about arrests on the application by mistake.

CONCLUSIONS OF LAW

1. Ms. Kang's failure to disclose the arrest on her application, in connection with an offense relating adversely to the practice of massage and bodywork therapy, constitutes misrepresentation in violation of N.J.S.A. 45:11-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on September 25, 2014, provisionally denying Ms. Kang's application. A copy of the Order was served upon respondent 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 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.

The record reflects that the certified mailing of the Provisional Order was signed for. The regular mailing was not returned. No response has been received to date. The Board considered the matter, and determined that service had been effected. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 30th DAY of December, 2014,

ORDERED that:

1. Ms. Kang'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 two years, dating from the filing of this order.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By: Cynthia Sinicropi-Philibosian
Cynthia Sinicropi-Philibosian
Chairperson