

FILED

MAR 16 2015

**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

ZHENAI 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. Zhenai Kang submitted an application for licensure by the Board.
2. On Ms. Kang's application, she disclosed that she had been arrested in 2011 in New York for engaging in massage/bodywork without a license.
3. Subsequently, documents that she submitted indicated that she had also been charged with prostitution. An information was signed, under penalty of perjury, by a New York investigator, indicating that on November 18, 2011 Ms. Kang had offered to engage in sexual conduct with the investigator, i.e. she agreed

to give him a "hand job," defined as manual masturbation, in exchange for \$40.

4. Ms. Kang was convicted of unauthorized practice of a profession following a guilty plea. The conviction was to be conditionally discharged.

5. Ms. Kang at no point explained the information about the prostitution allegations.

CONCLUSIONS OF LAW

1. The conduct underlying Ms. Kang's guilty plea and conviction relates adversely to the practice of massage and bodywork therapy within the intendment of N.J.S.A. 45:1-21(f).

2. Ms. Kang's failure to fully disclose the basis for her 2011 arrest, and to explain the prostitution allegations, constitutes deceptive conduct within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on November 5, 2014, provisionally denying Ms. Kang's application for licensure. A copy of the Order was served upon Ms. Kang 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 of the order was not returned. No response has been received to date. The Board considered this matter, and determined that service had been effected, as the mailings had been sent to Ms. Kang's address of record. 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 *16th* DAY of *March*, 2015,

ORDERED that:

1. Ms. Kang's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby provisionally denied pursuant to N.J.S.A. 45:1-21(b) and (f). 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 Sinicroph-Philibosian
Cynthia Sinicroph-Philibosian
Chairperson