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BOARD OF MASSAGE
AND BODYWORK THERAPY

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

MIRIAM COLGAN-BAEZ

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

FINAL ORDER OF
DENIAL OF LICENSURE

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. Miriam Colgan-Baez submitted an application for licensure by the Board.
2. On Ms. Colgan-Baez's application, she indicated that she had never been charged with and convicted of at least one crime or offense.
3. A criminal history background check revealed, along with submissions by Ms. Colgan-Baez, that she had been charged with

robbery in New York, N.Y., and that the charges were dismissed; and in 2006, Ms. Colgan-Baez had been charged with theft by deception, and was convicted on September 11, 2009, of conspiracy to defraud the United States in violation of Title 18: conspiracy to defraud a federally funded program, theft from a program receiving federal funds, and mail fraud. She was sentenced to six months confinement, 36 months of supervised release, and restitution of \$155,396.91.

4. Ms. Colgan-Baez indicated that she was prompted to engage in the criminal conduct that led to her 2009 conviction out of frustration, because she felt she had been treated unfairly and lied to by her superior at work.

5. On or about March 20, 2015, Ms. Colgan-Baez was asked by letter to appear before the Board on April 22, 2015 to respond to questions under oath and explain the facts and circumstances relating to her arrests. The letter was sent by certified and regular mail. The certified mailing was unclaimed. The regular mailing was not returned.

4. Ms. Coglan-Baez did not appear to give testimony before the Board on April 22, 2015.

CONCLUSIONS OF LAW

1. The conduct underlying Ms. Colgan-Baez's convictions for fraud and dishonesty constitute acts of moral turpitude that

relate adversely to the practice of massage and bodywork therapy within the intendment of N.J.S.A. 45:1-21(f).

2. Ms. Colgan-Baez's failure to appear before the Board to respond to questions about her conduct constitutes a failure to cooperate with a Board investigation within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on June 25, 2015, provisionally denying Ms. Colgan-Baez's application for licensure. A copy of the Order was served upon the 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 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, although the certified and regular mailings of the order were sent to Ms. Colgan-Baez's address of record, the mailings were not returned. No response has been received to date. The Board 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 15th DAY of December, 2015,

ORDERED that:

1. Ms. Colgan-Baez's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By: Cynthia Sinicropi-Philibosian
Cynthia Sinicropi-Philibosian, LMBT
Chairperson