

FILED

FEB 22 2016

BOARD OF MASSAGE
AND BODYWORK THERAPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

IN THE MATTER OF THE :
LICENSE OF :
 :
EMMAJEAN DURRANT :
License # 18KT00788100 :
 :
TO PRACTICE MASSAGE AND :
BODYWORK THERAPY IN THE :
STATE OF NEW JERSEY :

Administrative Action

FINAL ORDER
OF DISCIPLINE

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

FINDINGS OF FACT

1. Respondent is a licensed massage and bodywork therapist in the State of New Jersey.
2. In a letter dated September 8, 2014, respondent was asked for information and documentation concerning an arrest on January 11, 2005 on charges of simple assault; and an arrest in 2010 in New York City that resulted in a guilty finding for disorderly conduct; this matter was conditionally discharged. The letter was sent by certified and regular mail to respondent's address of record. The certified mailing was

signed for. The regular mailing was not returned. No response was received to that letter.

3. On or about June 15, 2015, a follow-up letter, identical to the earlier letter, was sent to respondent by certified and regular mail at her address of record. The certified mailing was returned, marked unclaimed. The regular mailing was not returned. No response was received.

4. On or about November 12, 2015, a letter issued on behalf of the Board, asking respondent to supply the information originally requested in the letter of September 8, 2014. Respondent replied to this letter and furnished the information requested in the letter of September 8, 2014. Respondent acknowledged the arrests in 2005 and 2010.

5. On respondent's application for licensure submitted in 2014, respondent was asked whether she had ever been charged with or convicted of any crime or offense, and respondent indicated "N" for "no" in response to these questions.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's original inquiry 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).

2. Respondent's indication on her application for licensure that she had never been charged with any crime or offense constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 30, 2015, provisionally imposing a reprimand and a civil penalty in the amount of \$250. A copy of the Order was served upon respondent at her address of record by certified and regular mail. 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 the respondent's request for consideration and reasons therefor.

The certified mailing, according to USPS tracking, left the Brooklyn postal facility on January 5, 2016. The regular mailing was not returned. As the mailings were sent to respondent's address of record with the Board, the Board deems them to have been received within three days following mailing. Service is therefore deemed effected. As no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings are found not to be necessary, and the Provisional Order is to be made final.

ACCORDINGLY, IT IS on this 22nd day of February, 2016,

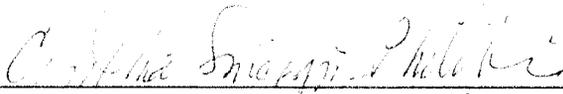
ORDERED that:

1. A reprimand is hereby imposed upon respondent.
2. A civil penalty in the amount of \$250.00 is hereby imposed on respondent.

Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and sent to the attention of Laura Anderson, Executive Director,

Board of Massage and Bodywork Therapy, P.O. Box 45048, 124 Halsey Street, 6th
Floor, Newark, NJ 07101, within twenty one (21) days of the filing of this order.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By: 
Cynthia Sinicropi-Philibosian, L M B T
Board Chairperson