

BEFORE THE STATE BOARD OF
MASSAGE THERAPY
CAUSE NO: SBMT 10-_____

2010 SBMT 0002

IN THE MATTER OF THE)
)
LICENSE OF HE RONG XIE,)
)
LICENSE NO.: MT20902760 (Active))
)



COMPLAINT

This complaint is brought against the massage therapist license of He Rong Xie (“Respondent”), by the State of Indiana, by counsel, Deputy Attorney General, Amanda L. Bailor, on behalf of the Office of the Attorney General (“Petitioner”) and pursuant to Indiana Code 25-1-7-7, Indiana Code 25-1-6-3, Indiana Code 25-21.8 *et seq.*, the Administrative Orders and Procedures Act, Indiana Code 4-21.5-3 *et seq.*, and Indiana Code 25-1-11-1 *et seq.* In support, Petitioner alleges and states:

FACTS

1. Respondent’s address on file with the State Board of Massage Therapists (“Board”) is 823 Lincolnway, Valparaiso, Indiana 46383. Respondent is a massage therapist holding license number MT20902760 (Active).
2. Respondent’s address on file with the Board is the same address listed for a business called “Oriental Pain Management Center.”
3. On or about January 19, 2010, the Valparaiso Police Department conducted an undercover operation whereby investigators, on two separate occasions, paid money to a female working at Oriental Pain Management Center for a massage.

4. After both massages, the investigators paid additional money to the female, who then fondled the genitals of the investigators.

5. On or about January 20, 2010, the Valparaiso Police Department conducted another undercover operation, whereby an investigator paid a different female working at Oriental Pain Management Center for a massage.

6. Following the massage, the investigator paid additional money to the female, who then fondled the genitals of the investigator.

COUNT I

7. Paragraphs 1 through 6 are repeated and incorporated herein by reference.

8. Respondent's conduct as described above is a violation of Indiana Code 25-1-11-5(a)(3) in that Respondent has knowingly violated a state statute or rule regulating massage therapy certificate holders by permitting another person to engage in sexual activity with a client at an establishment where massage therapy is conducted, a violation of 847 IAC 1-2-5(d)(6).

WHEREFORE, Petitioner requests an order against the Respondent that:

1. Imposes the appropriate disciplinary sanctions;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and
3. Provides any other relief the Board deems just and proper under Indiana Code 25-1-11-12.

Respectfully submitted,

GREGORY F. ZOELLER,
Attorney General of Indiana
Attorney No.: 1958-98

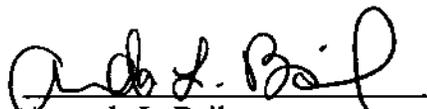
By: 
Amanda L. Bailor,
Deputy Attorney General
Attorney No.: 26771-29

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
(317) 232-4834

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2010 a true and correct copy of the foregoing Complaint was served on the following party via First Class U.S. Mail, postage prepaid.

He Rong Xie
823 Lincolnway
Valparaiso, IN 46383


Amanda L. Bailor
Deputy Attorney General