

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
Public Health Hearing Office**

Yong S. Singleton, LMT

Petition No.: 2006-0106-029-001

MEMORANDUM OF DECISION

Procedural Background

On August 24, 2006, the Department of Public Health ("the Department") issued a Summary Suspension Order, Notice of Hearing ("the Notice") and a Statement of Charges ("the Charges") against Yong S. Singleton, licensed massage therapist ("respondent"). Rec. Exh. 2. The Charges alleged grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §20-206c. The Notice scheduled a hearing for August 31, 2006 and appointed this Hearing Officer to rule on all motions, make findings of fact and conclusions of law, and issue an Order. Rec. Exh. 2.

The hearing was held in accordance with Connecticut General Statutes, Chapter 54 and Regulation of Connecticut State Agencies §19a-9-1, *et seq.* Respondent was not present, nor was she represented by an attorney; Attorney Leslie Scoville represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination.

During the hearing, the Department filed a Motion to Deem Allegations Admitted. The Motion was granted.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law and order.

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut massage therapy license number 003687
2. In paragraph 2 of the Charges, the Department alleges that at all relevant times, respondent worked at Sun Acupressure Sauna in Berlin, Connecticut ("the facility").
3. In paragraph 3 of the Charges, the Department alleges that from about 2004 through about 2005, while working at and/or on behalf of the facility, respondent:

- a. hired females to provide sexual services to patrons of the facility;
 - b. solicited females through print advertisements to work as prostitutes at the facility;
 - c. told females hired as prostitutes not to discuss the fee for sexual services with patrons of the facility;
 - d. benefited financially from the sexual services paid for by facility patrons to the facility prostitutes; and/or,
 - e. employed individuals without massage therapy licenses to perform massages at the facility.
4. In paragraph 4 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to, §20-206c.

Findings of Fact

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut massage therapist license number 003687. Rec. Exh. 2, 4.
2. The Department provided respondent adequate, reasonable, and actual notice of the hearing in this matter by sending notice via certified mail and first class mail. Rec. Exh. 2-4 ; Tr. 8/31/06..
3. Respondent did not file an Answer to the allegations contained in the Statement of Charges. Tr. 8/31/06.
4. All of the factual allegations contained in the Statement of Charges are deemed admitted and true. Tr. 8/31/06.

Conclusions of Law and Discussion

Section 20-206c of the Connecticut General Statutes provides in pertinent part:

The department may take any action set forth in section 19a-17 if a person issued a license pursuant to section 20-206b fails to conform to the accepted standards of the massage therapy profession, including, but not limited to, the following: Conviction of a felony; fraud or deceit in the practice of massage therapy; negligent, incompetent or wrongful conduct in professional activities

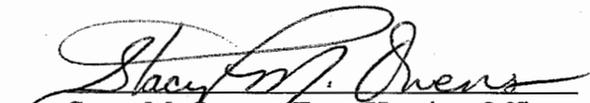
The Department bears the burden of proof by a preponderance of the evidence in this matter. *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 (Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995).

In accordance with §19a-9-20 of the Regulations, a hearing shall proceed, “ at the time and place specified in the notice of hearing, notwithstanding any failure of the respondent to file an answer within the time provided. If no answer has been timely filed, the allegations shall be deemed admitted.” In this particular case, respondent failed to file an Answer to the Charges and failed to appear for the hearing on August 31, 2006 to contest the allegations. As such, the allegations are deemed admitted, thereby establishing that respondent’s license is subject to disciplinary action pursuant to §§19a-17 and 20-206c of the Statutes.

Order

Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to Connecticut General Statutes §§19a-17 and 20-206c, the following is ordered in this case against Yong S. Singleton, LMT, regarding Connecticut massage therapist number 003687:

1. Respondent’s license number 003687 to practice as a massage therapist in the State of Connecticut is hereby revoked.
2. This Order shall become effective upon signature.


Stacy M. Owens, Esq., Hearing Officer

9/11/06
Date