

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF:

**SUNSHINE MASSAGE, Establishment License No. E4116
4606 Jones Creek Road, Suite 150
Baton Rouge, LA 70817**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to La. R.S. 37:3555(A)(1), LAC 46:XLIV.6101 and the Louisiana Administrative Procedure Act, an administrative hearing was held before the Louisiana Board of Massage Therapy (“Board”) on July 21, 2023 relative to the June 20, 2023 Order of Summary Suspension for Establishment License No. E4116 issued to Xiuying Li for the operation of Sunshine Massage at 4606 Jones Creek Road, Suite 150 in Baton Rouge (“Respondent”).

Present were: Kathryn Lea Love, Chair; Donna M. Green, Vice-Chair; Rosemary H. Wilkinson, Secretary; Karla Swacker; and Amie Dudzinski, Board Members;

Memry Hodum, Complaint Investigation Officer, recused from the hearing;

Jin Lin, sister of Owner Xiuying Li, representing Sunshine Massage who was assisted by Chinese language interpreter Liuting Chen;

Sheri M. Morris, Counsel for the Board; and

James Raines, Complaint Counsel.

FINDINGS OF FACT

1. Massage Establishment License No. E4116 was issued by the Board to Xiuying Li for the operation of Sunshine Massage at 4606 Jones Creek Road, Suite 150 in Baton Rouge with phone number (225)218-4908 through March 31, 2024.
2. The Board’s staff observed advertisements with the phone number and/or address of record for Respondent on BodyRubPage, ScarletAmour.com, Eccie.net, xEscortHub.com, Hot.com, BackPageGals.com, RubMaps, SumoSearch, SkipTheGames.com and BedPage. Advertisements for Respondent’s services include photographs of scantily clad women represented to be massage therapists, (Board Exhibit 1).
3. On June 20, 2023, the Board’s Complaint Investigation Officer issued an Order of Summary Suspension suspending Establish License No. E4116 and sent notice to Respondent at Respondent’s address of record of the administrative hearing scheduled for

July 21, 2023 at 9:30 a.m. for “revocation of licensure or other action as the Louisiana Board of Massage Therapy deems fit,” (Board Exhibit 2, pp. 4-5).

4. Ms. Lin testified as follows:
 - A. Sunshine is owned by her sister who lives in New York;
 - B. She lives in Baton Rouge and manages the business for her sister; Claire is her American name;
 - C. She does not do massages; Michelle who has a massage therapist license and does the massages at Sunshine;
 - D. Sometimes she receives phone calls and will call customers and ask them to stop but the ads pop back up;
 - E. She didn't see the ads on Rub.net because a subscription is required;
 - F. She doesn't speak much English; when she realized the ads were online, she asked people to help;
 - G. She never paid for ads and doesn't know how the ads were posted; and
 - H. She believes the websites could collect and use Sunshine's information.
5. Ms. Lin had short black hair and blond highlights. A review for Sunshine described the masseuse as a woman with short black hair with blond highlights.
6. The advertisements for Respondent on the internet fail to include the license numbers of the massage therapists or of the massage establishment.

CONCLUSIONS OF LAW

1. La. R.S. 37:3558(D) making sexually oriented businesses ineligible for license as a massage establishment makes Respondent ineligible for registration as a massage establishment.
2. Respondent and its owner Xiuying Li, Owner violated:
 - A. La. R.S. 37:3564(A) by failing to include the license number of the massage therapist and massage establishment on advertisements; and
 - B. La. R.S. 37:3564(C) by including pictorial representations on advertisements where massage therapist are attired and posed in a manner as to appeal to the prurient interest.
3. Violations of La. R.S. 37:3558(D) and La. R.S. 37:3564 are sufficient grounds to revoke and establishment license.

ORDER

Considering the applicable laws and the evidence and testimony;

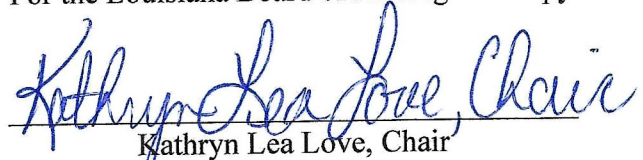
IT IS ORDERED, ADJUDGED AND DECREED that Massage Establishment License No. E4116 issued to Xiuying Li for the operation of Sunshine Massage through March 31, 2024 at 4606 Jones Creek Road, Suite 150 in Baton Rouge with phone number (225)218-4908 is hereby revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of this proceeding are assessed to Xiuying Li and Sunshine Massage; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Xiuying Li and Sunshine Massage are ineligible for licensure by the Louisiana Board of Massage Therapy until all costs of this proceeding are paid in full and all advertisements including the address and/or phone number of record for Sunshine Massage are removed from the sexually oriented websites.

Signed this 7th day of August 2023.

For the Louisiana Board of Massage Therapy


Kathryn Lea Love, Chair