

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF:

VIVIAN THERAPY, LLC, Establishment License No. E4881
5145 Main Street, Suite E
Zachary, LA 70791

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. E4881 issued to Jerry Martin for the operation of Vivian Therapy, LLC at 5145 Main Street, Suite E in Zachary (“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;

Monique Fields representing Jerry Martin, Owner of Vivian Therapy, LLC

Sheri M. Morris, Counsel for the Board; and

James Raines, Complaint Counsel.

FINDINGS OF FACT

1. Massage Establishment License No. E4881 was issued to Jerry Martin for the operation of Vivian Therapy, LLC at 5145 Main Street, Suite E in Zachary with phone number (225)249-9656 through March 31, 2024.
2. The Board’s staff observed internet advertisements with the phone number and/or address of record for Respondent on sexually oriented websites including on the following websites: CallGirlXGuide, BodyRubsMap.com and SkipTheGames.com. The 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 Establishment License No. E881 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, p. 5).

4. Mr. Martin testified as follows:
 - A. He is the manager of Vivian Massage, LLC;
 - B. His friend, Miyoung Tai Choi who is 79 years old and a very nice person owns the shopping center where Respondent is located;
 - C. Vivian leases the building from Mr. Choi;
 - D. In 2021 and in 2022, he did maintenance at Mr. Choi’s shopping center;
 - E. He built out the massage establishment which was previously a travel agency by adding walls to make rooms;
 - F. He took over Vivian Therapy in January 2023 to help Michelle;
 - G. He goes to the business a few times a week because he has a contract to maintain the building, clean the parking lot and cut the grass;
 - H. He basically doesn’t do anything to run Vivian;
 - I. He receives \$300 per month from Vivian;
 - J. Michelle, seated at his right, does massages and Monica, seated behind him, cleans and answers the phone;
 - K. Amy who didn’t speak English very well was a therapist at Vivian Therapy;
 - L. Michelle handles the towels, shopping, posters and other decisions regarding the business;
 - M. He communicates with Monica through a language translator app on his phone;
 - N. He did not post any ads and no one who works at Vivian knew anything about the advertisements;
 - O. The only advertisement for the business is a sign in front of the building on a 50-foot pole with the names of all of the businesses in the shopping center;
 - P. He didn’t have anything to do with the internet advertisements;
 - Q. He was unable to view the ads on his phone and saw the ads for the first time yesterday;
 - R. He hired an attorney to inquire about getting the ads removed;
 - S. He was not aware of a raid for prostitution at the massage establishment in the shopping center in 2021;
 - T. He was told there was some guy from Houston who was making the girls have sex and the guy was making money;
 - U. Someone named Wendy worked at the massage establishment a long time ago;
 - V. He believes Michelle is a good person and an honest person and that she did not know about the ads.

5. 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 licensure as a massage establishment makes Respondent ineligible for registration as a massage establishment.
2. Respondent and its owner Jerry Martin violated:
 - A. La. R.S. 37:3564(A) by failing to include the license number of the massage therapists and massage establishment on advertisements;
 - B. La. R.S. 37:3564(C) by including pictorial representations on advertisements where massage therapists 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 an establishment license.

ORDER

Considering the applicable laws and the evidence and testimony;

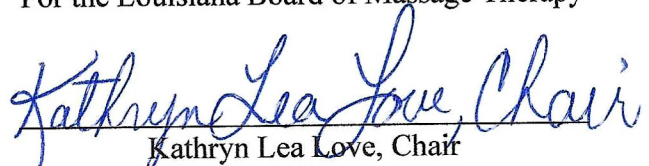
IT IS ORDERED, ADJUDGED AND DECREED that Massage Establishment License No. E4881 issued to Jerry Martin for Vivian Therapy, LLC through March 31, 2024 at 5145 Main Street, Suite E in Zachary with phone number (225)249-9656 is hereby revoked;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of this proceeding are assessed to Jerry Martin and Vivian Therapy, LLC; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Jerry Martin and Vivian Therapy, LLC are ineligible for licensure by the Louisiana Board of Massage Therapy Board until all costs of this proceeding are paid in full and all advertisements including the address and/or phone number of record for Vivian Massage, LLC 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