

# BREAZEALE, SACHSE & WILSON, L.L.P. A

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May 10, 2022

Canfeng Li 425 W. McNeese Street Lake Charles, LA 70605 <u>Licanfeng1974@gmail.com</u>

VIA E-MAIL AND U.S. CERTIFIED MAIL ARTICLE NO. 7021 1970 0001 2889 6041

RE: Louisiana Board of Massage Therapy, In the Matter of Canfeng Li License No. 9389, Massage Life, LLC License No. E4715, Shiny Peak License No. E4753, Shiny Peak, LLC License No. E4695, Shiny Peak, LLC License No. E4680, MK Foot Relax, LLC License No. E4698

# Dear Canfeng Li:

Enclosed please find a Summary Suspension Order signed in the captioned matter on May 10, 2022. Based on the order, you are not allowed to provide massage therapy services pending a hearing scheduled for June 10, 2022, as set forth in the Order.

Should you have any questions, do not hesitate to contact me.

Sincerely,

BREAZEALE, SACHSE & WILSON, L.L.P.

- R. Rain

James R. Raines

Enclosure

cc: Tricia Thibaut (LBMT Executive Director)

### LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

CANFENG LI LICENSE NO. 9389

MASSAGE LIFE, LLC LICENSE NO. E4715

SHINY PEAK LICENSE NO. E4753

SHINY PEAK, LLC LICENSE NO. E4695

SHINY PEAK, LLC LICENSE NO. E4680

MK FOOT RELAX, LLC LICENSE NO. E4698

### ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 49:961(C), the Louisiana Board of Massage Therapy ("LBMT") summarily suspends License number 9389 issued to Canfeng Li ("Ms. Li"), License number E4715 issued to Massage Life, LLC ("Massage Life"), License number E4753 issued to Shiny Peak, License number E4695 issued to Shiny Peak, LLC, License number E4680 issued to Shiny Peak, LLC (collectively, the "Shiny Peak establishments"), and License number E4698 issued to MK Foot Relax, LLC ("MK Foot Relax") pending an administrative hearing scheduled for June 10, at 12:30 p.m.

This Order of Summary Suspension is effective as of May 10, 2022. Upon execution of this Order, Ms. Li is not authorized to engage in the practice of massage therapy and must immediately cease and desist from the practice of massage therapy, as defined by La. R.S. 37:3552. Further, Ms. Li must cease and desist from referring to herself as a licensed massage therapist. Additionally, the establishments in which Ms. Li is listed as the sole licensed massage therapist

and/or the owner, Massage Life, the Shiny Peak establishments, and MK Foot Relax, must immediately cease and desist from providing massage therapy services.

## I. <u>INITIAL FINDINGS</u>

To protect public health, safety, and welfare, emergency action is required due to the nature of the allegations against Ms. Li. The LBMT received information regarding an arrest warrant issued to Huang Weng relative to charges that he knowingly violated La. R.S. 66:124, entitled "Keeping a Disorderly Place," and the issuance of a summons to Sun Xiaofang relative to charges that she knowingly violated La. R.S. 14:83.3, entitled "Prostitution by Massage" at Massage Life. Further, on March 29, 2022, a Subpoena Duces Tecum was issued for information from the Denham Springs Police Department relative to the arrests. According to the LBMT records, Massage Life is owned by Summer Mendes, who is not licensed by the LBMT. Ms. Li is listed as the sole massage therapist at Massage Life on its LBMT license application. Neither Mr. Weng nor Ms. Xiaofang are licensed by the LBMT.

According to the LBMT records, Ms. Li is listed as the owner and sole licensed massage therapist in the LBMT applications of the Shiny Peak establishments. MK Foot Relax is owned by Xingchang Li, who is not licensed by the LBMT. Ms. Li is listed as the sole licensed massage therapist in MK Foot Relax's LBMT application.

On February 1, 2022, Denham Springs Police Department Detective Ballard conducted a compliance check on Massage Life (112 North Hummel Street, Denham Springs, Louisiana, 70726) in reference information received by the Denham Springs Police Department regarding prostitution acts occurring at the establishment. Detective Ballard entered Massage Life equipped with a small handheld audio recording device and \$60.00 cash.

Upon entering Massage Life, an unknown Asian female asked from the back of the establishment, "Are you here for a massage?" Detective Ballard advised the female that he was, and she greeted him as she entered the lobby area. Detective Ballard observed the female to be between the ages of 45 and 55 and noticed that the pupil in one of her eyes was grayish in color. The female led him to the first massage room on the left side of the hallway. According to Detective Ballard, the room appeared as one would expect to see. The female advised Detective Ballard that a one-hour massage was \$60.00. Detective Ballard paid her the \$60.00 in cash. The female did not give any instructions, left the room, and left the door open.

The female returned to the room and asked Detective Ballard to follow her to fix the internet. Detective Ballard followed her to the back of the building where he observed a small bathroom and a large table with an internet modem on it. The female asked him to fix the internet because it was not working. Detective Ballard was unsure why the female had asked him to fix the internet, but he attempted to fix it by unplugging the modem and plugging it back into the wall. Detective Ballard advised the female that he did not know how to fix it.

The female then led him back to the room and shut the door. Detective Ballard noted that no one else was present at the establishment at this time. The female advised him to take off his clothes and lay on the bed with his head facing down on the bed. According to Detective Ballard, the female spoke decent English and seemed to understand most of what he said to her. Detective Ballard undressed to his boxer briefs and laid face down on the table. He placed a towel over his buttocks and waist.

The female started to laugh and told him that his boxer briefs had to come off in order to massage his lower back and began pulling off his boxer briefs. Detective Ballard tried to keep the towel covering the area while he took off his boxer briefs. Detective Ballard stated that the first

twenty minutes of the massage seemed normal. The female seemed knowledgeable in the different back muscles and why he was having pain in his back. After twenty minutes, the female asked him to turn over and lay on his back. She told Detective Ballard to lift his right leg in the air. He lifted his leg up while holding on to the towel to try to remain covered. The female attempted to lift both of his legs in the air and stated that she was fixing his back. She then advised him to stand up and sit down on the table numerous times. She asked him to lay down on the ground and stand up. Feeling uncomfortable, Detective Ballard asked the female why she was asking him to do this. She replied that if he was still hurting, then she did not fix him.

At that time, an unknown male walked into the front lobby and the female advised Detective Ballard that she would return. Detective Ballard heard the male state that he wanted a half-hour massage. She put the unknown male in another room and returned to Detective Ballard's room. She started to massage Detective Ballard's upper back and lower back, while also massaging his thighs and calves. Around 28 minutes into the massage, she asked in a low voice, "Do you want happy ending?" Detective Ballard acted confused and asked the female what a "happy ending" was. She responded, "You know, a massage down there" as she moved her right hand to the lower part of his buttocks and did an upper motion with her hand to his lower back. Detective Ballard was still covered with towel. Detective Ballard again acted confused, and the female stated, "You know, a hand job." Detective Ballard replied that he did not want that, and the female ended the massage.

Detective Ballard asked her if she was done, and she replied yes. Detective Ballard got off the bed, covered himself with the towel, and moved towards his clothes. The female left the room. Detective Ballard got dressed and waited for the female to return. The massage lasted a total of 32 minutes, even though Detective Ballard had paid for a one-hour massage. The female walked back

into the room and asked for a \$30.00 tip. Detective Ballard advised the female that he already paid her \$60.00 for the massage. She got angry and again requested a \$30.00 tip. Detective Ballard stated that he would have to go to an ATM to get more cash. The female stepped close to him and stated, "I hope you bring me my \$30.00 and come back." Detective Ballard advised that he would return. Detective Ballard left the establishment and returned to the police department. He advised his fellow detectives of his findings.

On February 4, 2022, Denham Springs Police Department Detective Rodney Walker returned to Massage Life with the Louisiana State Fire Marshal, who performed an inspection of the business. Detective Walker had been provided with a physical description of the Asian female who had offered Detective Ballard a hand job.

Upon arrival, law enforcement officers found no one in the lobby. Moments later, an Asian female exited a massage room and greeted the officers in the lobby. Officers advised her of why they were there, and the Fire Marshals began their investigation. The Asian female was identified as the female described by Detective Ballard. Detective Walker asked for identification, and she provided a Texas state I.D., which identified her as Sun Xiaofang. She was issued a summons for violation of La. R.S. 14:83.3, "Prostitution by Massage." According to LBMT records, Ms. Xiaofang is not licensed by the LBMT.

Fire Marshals reported that they had found living quarters in the business, which are prohibited. The Fire Marshals issued an Order to Cease Operations and told her that the living quarters would have to be removed before the business could reopen.

Based on the foregoing, it is alleged that Ms. Li and Massage Life violated the following rules and regulations applicable to the LBMT:

# Code of Conduct for Licensed Professional Counselors, La. Admin Code. tit. 46, Pt XLIV, §3101, et seq.:

### §3101 Prohibitions of Sexual Activity

- A. All sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- B. No massage establishment owner or operator shall engage in, or permit any person or persons to engage in, sexual activity in a massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.
- C. No massage therapist shall engage in sexual activity with a current client of the therapist.
- E. As used in this Rule and §5301 of this Part:
  - a. sexual activity—includes:
    - i. coital sexual intercourse;
    - ii. anal sexual intercourse;
    - iii. fellatio, cunnilingus;
    - iv. masturbation;
  - b. the purposeful touching of the genitals of another person...whether through draping or clothing, whether resulting in penetration or orgasm or not, and whether by instrumental manipulation, touching with the hands, or other bodily contact;
  - c. any sexual offenses proscribed by the criminal laws of Louisiana including, but not limited to, R.S. 14:83.3 and 83.4.
- F. For purposes of this rule, the term *client* means and includes any person receiving massage therapy services provided for compensation...

### La. R.S. 37:3558 Massage establishments

- C. For purposes of this Chapter, "sexually oriented business" means a sex parlor, massage parlor, nude studio, modeling studio, love parlor...or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
- D. A sexually oriented business shall be ineligible for registration as a massage establishment and shall not operate as a massage establishment.

### La. R.S. 37:3563 Grounds for Discipline

- A. The board may suspend, revoke, or refuse to issue or renew a license after notice and opportunity for hearing pursuant to the Administrative Procedure Act, upon proof of any of the following:
  - (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public, as further defined by rules of the board.
  - (6) Violating or aiding and abetting in the violation of any provisions of this Chapter or the rules and regulations promulgated hereunder.
- D. The board shall revoke the license of any person if the board determines that the establishment is a sexually oriented business, as defined in R.S. 37:3558(C)...

## II. DECISION AND ORDER

To maintain public health, safety, and welfare, emergency action is required due to the allegations set forth in the allegations in the complaint against Ms. Li, Massage Life, the Shiny Peak establishments, and MK Foot Relax. Accordingly, LBMT License number 9389 issued to Canfeng Li, License number E4715 issued to Massage Life, License number E4753 issued to Shiny Peak, License number E4695 issued to Shiny Peak, LLC, License number E4680 issued to Shiny Peak, LLC, and License number E4698 issued to MK Foot Relax, LLC, are SUSPENDED, effective immediately, pending proceedings for revocation of licensure or other action as the Louisiana Board of Massage Therapy deems fit.

Proceedings before the Louisiana Board of Massage Therapy shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Board of Massage Therapy is scheduled for June 10, 2022, at 12:30 p.m., at the at the Jones Creek Library, 6222 Jones Creek Road, Meeting Room 3, Baton Rouge, Louisiana, 70817. The hearing panel will consist of current Board Members. The hearing will be conducted in accordance with the

Administrative Procedure Act, the Louisiana Massage Therapists and Establishments Act, and the rules promulgated by the LBMT.

Canfeng Li, Massage Life, the Shiny Peak establishments, and MK Foot Relax will be given a full opportunity to appear and be heard, with or without counsel, and are entitled to hear a statement of what accusations have been made against them, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed. Ms. Li, Massage Life, the Shiny Peak establishments and/or MK Foot Relax may request that subpoenas be issued by the Louisiana Board of Massage Therapy and must send a request to the Louisiana Board of Massage Therapy office at least 5 days prior to the hearing, listing the names and addresses of the individuals to be subpoenaed, along with a brief summary of what the individual will testify to. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.

Date: May 10, 2022

James E. Steele,

Complaint Investigation Officer
Louisiana Board of Massage Therapy