

LOUISIANA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

THE APPLICATION FOR ESTABLISHMENT LICENSE OF

ROSE'S MASSAGE 88, INC.

CONSENT AGREEMENT AND ORDER

WHEREAS, ROSE'S MASSAGE 88, INC. ("ROSE'S MASSAGE") submitted a Louisiana Application for Establishment License to the Louisiana Board of Massage Therapy ("LBMT") on or about October 18, 2023, and is subject to the jurisdiction and rules and regulations of the LBMT;

WHEREAS, YUN LIN is listed as the owner of Rose's Massage on its LBMT license application;

WHEREAS, at the November 3, 2023, meeting of the LBMT, an application for licensure submitted by Yun Lin for Serenity Massage, located at the same address as Slidell Sunshine Massage, was denied because it was identified on a number of illicit websites. The LBMT found advertisements for illicit services on "Call Escort Girls", "Scarlet Amour", "Rubs Guide", "Rub Maps", "Adult Look", "Sumo Search", "Adult Search", "Bed Page", "Skip the Games", "Google Ads" and "Eccie". The advertisements include scantily-clad Asian women described as "new girl", "bust size 36dd, sexy, cute, petite", "hot Asian baby", "Juicy Wet", "Young and beautiful Asian girls", "new sweet girl", "romantic" "hot sensual pretty Asian with like no other", "New Face, New Feeling, and Different Experience", "young & sexy", "If you like Asian girls giving you massage or anything else you want", "they're all young, beautiful, sexy girls", "GFE", "BBFS", "wet Asian pussy" "BBBJ", "DATY", "I like all positions with you", "SuckingLicking",

“open minded”, “69”, “kiss lick”, “NuruMassage Body to Body”, “a great time with a sexy hottie, I’m sure you will enjoy my flawless body”, “if you come new Asian girl makes you Cum”, “Shower together”, “Unique girls for you to choose from”, “all new, beautiful, sexy girls”. Also included was a review on “ECCIE” regarding CFS, CBJ, k9, standing mish, acronyms referring to sexual conduct.

WHEREAS, on October 10, 2023, pursuant to inspection of Rose’s Massage, Jing Wang, as owner of Rose’s Massage, was issued a Cease-and-Desist Notice for operating an establishment without a massage therapy license and for personally providing massage therapy services without holding a license as a massage therapist in the State of Louisiana.

WHEREAS, the establishment application for Slidell Sunshine Massage and the establishment application for Rose’s Massage contain the same establishment license phone number – 985-318-7052.

WHEREAS, beginning on October 10, 2023, the LBMT discovered advertisements for Rose’s Massage for massage services posted on Google Business. Several of the advertisements depicted young Asian women and contained language including: “New Girls Beautiful, Book Now,” Best Service, Enjoy Now,” “Massage Gentlemen Bodywork Specian (sp),” “100% Beautiful Asian Girl New,” “Pretty Girl, Here is a touch of rainbow in ordinary life, Don’t hesitate, come find me,” and “Sweet Girl New Face.”

WHEREAS, by correspondence dated December 19, 2023, James R. Raines, LBMT Complaint Counsel, notified Yun Lin of the LBMT’s intent to deny the Application for Establishment License for Rose’s Massage.

WHEREAS, Yun Lin, as owner of Rose's Massage, has indicated his desire to resolve this matter through a Consent Agreement and Order provided for in LAC 46:XLIV §5901 and La. R.S. 49:955(D) of the Louisiana Administrative Procedure Act;

WHEREAS, Yun Lin has admitted to the following:

1. Yun Lin is and was at all times pertinent to the facts and matters alleged herein the owner of Rose's Massage.
2. Yun Lin was the owner of Serenity Massage (now, Slidell Sunshine).
3. Yun Lin admits the telephone number with Serenity Massage was used in advertisements on the above-referenced websites.
4. Jing Wang, as prior owner of Rose's Massage, was issued a Cease-and-Desist Notice for operating an establishment without a massage therapy license and for personally providing massage therapy services without holding a license as a massage therapist in the State of Louisiana.
5. Yun Lin admits that the above actions are in violation of the following rules and regulations of the LBMT: La. R.S. 37:3558; La. R.S. 37:3563; La. R.S. 37:3564; and LAC 46:XLIV §35301.

WHEREAS, Yun Lin and Rose's Massage recognize their right to have an administrative adjudication of the charges outlines in the Notice of Intent to Deny, at which time Yun Lin and Rose's Massage would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on their behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. Yun Lin and Rose's Massage nonetheless waive their right to formal adjudication and, pursuant to La. R.S. 49:975(D), consent to the entry of the

Consent Agreement and Order set forth hereinafter. Yun Lin and Rose's Massage also acknowledge that they waive any rights to which they may be entitled pursuant to the Louisiana Administrative Procedure Act, La R.S. 49:951, et. seq., or which they otherwise may be afforded by any law, to contest their agreement to, or the force and effect of this Consent Agreement and Order, in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La R.S. 49:975(D), the Board orders and Yun Lin and Rose's Massage accept the following administrative action, which is a final decision pursuant to La. R.S. 49:977:

1. The LBMT will grant an establishment license to Rose's Massage, which will be subject to a probation period of two (2) years (the "Probation Period").
2. Rose's Massage will be subjected to three (3) random inspections each year during the Probation Period.
3. Rose's Massage is prohibited from using the phone number 985-334-8664 in advertisements.
4. All promotional material, building signage, websites, and all online advertising, including but not limited to Google advertising, must match the name, address, phone number, and website information on record with the LBMT.
5. Rose's Massage is prohibited from using generic signage or verbiage on advertising such as "Massage."
6. Yun Lin cannot sell or transfer ownership of Rose's Massage during the Probation Period without approval of the LBMT.

7. During the Probation Period, Yun Lin and Rose's Massage will provide the LBMT with the days and hours of operation and will notify the LBMT of any changes to the days and hours of operation during the Probation Period.
8. Yun Lin and Rose's Massage shall submit the name (and preferred name, if applicable) and contact information of the licensed massage therapist(s) working at the establishment to the LBMT. The licensed massage therapist(s) will be responsible for also ensuring compliance regarding establishment and massage therapist laws/rules.
9. Yun Lin and Rose's Massage shall notify the LBMT in writing within seven (7) days of hiring a new massage therapist.
10. A licensed massage therapist must be present and available to provide services during all hours of operation.
11. If a licensed massage therapist is not available to work, Rose's Massage shall close until a licensed massage therapist is available to work.
12. Yun Lin shall provide her personal contact information, including name, address, phone number, and email address, to the LBMT within seven (7) days that all parties sign this Consent Agreement and Order. Yun Lin shall promptly notify the LBMT of any changes to his personal contact information.
13. Yun Lin and Rose's Massage shall provide the LBMT with a list of all non-licensed employees working at the establishment (and preferred name, if applicable). Yun Lin and Rose's Massage shall notify the LBMT of any changes of the non-licensed staff within seven (7) days of such changes.

14. Yun Lin and Rose's Massage shall submit all advertisements to the LBMT for review and approval prior to publishing.
15. Yun Lin shall provide the name, address, and nature of any and all other business in which he has any ownership interest.
16. Yun Lin will be under a probation period of two (2) years for the previous denial of Serenity Massage's establishment application based on the advertisements found on illicit websites. If Yun Lin is found to be advertising on illicit websites again, the establishment license of Rose's Massage shall be revoked.
17. Yun Lin and Rose's Massage specifically acknowledge that failure to comply with the terms of this Consent Agreement and Order may result in a denial, revocation, or suspension of any license, certificate, or registration issued by, or applied for, in accordance with LAC 46:XLIV §1701.
18. By agreeing to the terms of this Consent Agreement and Order, Yun Lin and Rose's Massage waive all rights to appeal this adjudication.

Effect of Non-Acceptance of Agreement. Yun Lin and Rose's Massage acknowledge that this Consent Agreement and Order is subject to the approval of the Board. They further acknowledge and agree that if the Board rejects this Consent Agreement and Order, it will be void, and an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and Order is rejected by the Board, it will not constitute a waiver of Rose's Massage's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. Yun Lin and Rose's Massage further agree that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this

Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against them, that it cannot fairly decide the case, or that it has received ex parte communication.

Address of Board. All payments ordered and any reports required by this Consent Agreement and Order shall be addressed to Louisiana Board of Massage Therapy, 9619 Interline Ave., Suite B, Baton Rouge, Louisiana 70809.


IT IS HEREBY FURTHER ORDERED that this Consent Agreement and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board. The terms of this Consent Agreement and Order shall be published and reported in, including but not limited to, the LBMT website.

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before the LBMT involving Yun Lin and Rose's Massage.

THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the Board and is a matter of public record.

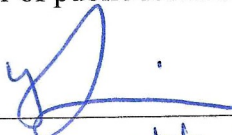
I, **JAMES R. RAINES**, serving as Prosecutor, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which Yun Lin and Rose's Massage could be charged under this investigation, and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint, and represents a true and correct statement of that which could be proven at a hearing of this matter.

DATED: 1/27/14


James Raines
Prosecutor


I, YUN LIN, make these acknowledgements and waivers in support of a final disposition of the pending investigation by Consent Agreement and Order ("Order") pursuant to La. R.S. 49:975(D), in lieu of an administrative hearing on the Notice of Intent to Deny, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LBMT for its consideration and to disclose to and discuss with the LBMT the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:977.2. I expressly acknowledge that the disclosure of such information to the LBMT shall be without prejudice to the Prosecutor's authority to proceed to hearing on the Notice of Intent to Deny, or the LBMT's capacity to adjudicate such matter, should the LBMT decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LBMT approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

DATED: 1/28/2024

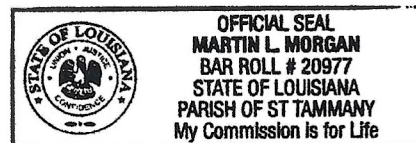


YUN LIN 林云

SUBSCRIBED AND SWORN TO before me this 28th day of January,
2024, at Madisonville, Louisiana.



Notary Public
Print Name: MARTIN MORGAN
My Commission Expires: FOR LIFE



ORDER

By a majority vote of the Board members voting in favor of the Consent Agreement and Order at the Board meeting on January 29, 2024, the Board hereby adopts said Agreement, and makes it an Order of this Board.

FOR THE BOARD:

Kathy Lea Love, Chair
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