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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
JULIETA HERNANDEZ) STIPULATION AND ORDER
TO PRACTICE AS A)
MESSAGE THERAPIST) CASE NO DOPL 2007-- 239
IN THE STATE OF UTAH)

JULIETA HERNANDEZ (' Respondent ') and the **DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah
("Division ") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the
subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and
voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Massage Therapist Licensing Board ('the Board '), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7 Respondent admits the following facts are true

- a In or about September 2007 Respondent knowingly allowed an unlicensed massage therapist employed by Respondent to provide services to clients at Matrixx Massage, a business owned by Respondent

8 Respondent admits that Respondent's conduct described above is unlawful conduct as defined in Utah Code Ann § 58-1-501(1)(c) and unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and the that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(1)(a) and (b) Respondent agrees that an Order.

which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's license shall be revoked. That revocation shall be immediately stayed and the Respondent's license shall be subject to a term of probation for a period of three years. The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of probation, the Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - a Respondent shall attend the next regularly scheduled meeting of the Board after the effective date of the Order in this matter. Respondent shall thereafter attend meetings with the Board when directed to do so by the Division.
 - b Respondent shall provide the Division and Board with a list of all massage therapists employed by Respondent and all persons who Respondent's facilities to perform massage therapy. Such list shall be submitted to the Division every three months and shall be subject to audit by the Division.
 - c If Respondent works less than full time as a massage therapist, the reduction of the remaining probationary time period shall only be reduced at a prorated basis compared to a full time position (40 hours of employment per week).
 - c Respondent shall successfully complete 20 hours of continuing professional education courses, pre-approved by the Board and Division. The courses shall focus on ethics in massage therapy. The 20 hours shall be successfully completed within 18 months of the effective date of this Stipulation and Order. The 20 hours shall not count toward Respondent's regular continuing education requirement, if any.
 - d Respondent shall notify the Board in writing, within one week of any change of employer or employment status, regardless of whether Respondent is employed in the field of message therapy.
 - e Should Respondent not be employed in the practice massage therapy during her probationary period for a consecutive period of more that 60

days, the period of unemployment shall not apply to the reduction of the probationary period, though all the terms of probation shall remain applicable

- h In the event Respondent should move out of the State of Utah to reside or practice massage therapy, Respondent shall notify the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation. Periods of residency or licensed practice outside of Utah may apply to the reduction of the probationary period, if the new state of residency places Respondent on probation with equal or greater terms and conditions.
- i Respondent must maintain a current massage therapy license at all times during the probationary period.
- j Respondent shall immediately notify the Division, in writing, of any changes of address.
- k In the event a Respondent violates or fails to fulfill any terms or conditions of this Stipulation, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation and impose any sanction stayed and/or otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during the probationary period, the period of probation and all relevant probationary terms and conditions shall be extended until the matter is final.
- l Failure to pay any of the cost of complying with this Order shall be considered a violation of probation.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed

this Stipulation and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of massage therapy

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

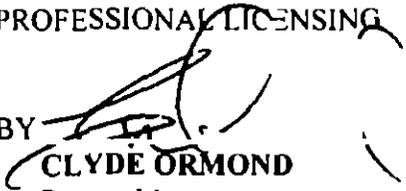
14 Respondent has read each and every paragraph contained in this Stipulation and

Order Respondent understands each and every paragraph contained in this Stipulation and

Order Respondent has no questions about any paragraph or provision contained in this

Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
CLYDE ORMOND
Bureau Manager

DATE 11/19/2007

RESPONDENT

BY 
J. HERNANDEZ

DATE Nov-19 2007

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES

DATE 20 Nov 2007

ORDER

THE ABOVE STIPULATION, in the matter of **JULIETA HERNANDEZ**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 21 day of November, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

Investigator Vince Garcia