

L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone: (801) 366-0310

**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)
CHERYL L. PETERSON) **SURRENDER**
TO PRACTICE AS A) **STIPULATION AND ORDER**
MASSAGE THERAPIST)
IN THE STATE OF UTAH) **CASE NO. DOPL 2009-- 221**

CHERYL L. PETERSON ("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 Board of Massage Therapy ("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 understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15.

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. Respondent was first licensed as a massage therapist in the State of Utah on or about July 3, 1992.

- b. From about November 2007 through February 2009 Respondent, on multiple occasions, massaged and touched the genitals of numerous male clients, in the course of practicing or engaging in massage therapy.
- c. From about August 2008 through February 2009 Respondent knowingly employed two females who practiced as massage therapists at Respondent's business in Murray, Utah. Neither of the two female employees were licensed to practice massage therapy in the State of Utah.
- d. On or about June 29, 2009 Respondent pleaded guilty to one count of money laundering, a 3rd degree felony, and one count of exploiting a prostitute, a 3rd degree felony, in Third District Court, Salt Lake County, Utah. The two felony convictions involved conduct engaged in by Respondent through her practice as a massage therapist and owner of a massage therapy business.
- e. Respondent desires to surrender Respondent's license to practice as a massage therapist in the State of Utah along with all residual rights pertaining to said license.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (c), and Standards I(a), II(a) and (b), V(e), and VI(a), (b), (c), and (d) of the Utah Massage Therapy Code of Ethics and Standards of Practice; and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(c) and § 58-47b-501(3)(a); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's license to practice as a massage therapist in the State of Utah along with all residual rights pertaining to said license. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees not to reapply for licensure as a massage therapist in the State of Utah for a period of five years from the date

the Division Director signs this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a massage therapist in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9. Respondent agrees the Division may issue an Order requiring Respondent to cease and desist from employing persons who are not licensed to practice massage therapy as defined in Utah Code Ann. § 58-47b-101 through § 58-47b-503. Respondent agrees to obey the Order and cease and desist from employing persons who are not licensed to practice massage therapy as defined in Utah Code Ann. § 58-47b-101 through § 58-47b-503. Respondent understands that failure to comply with the cease and desist Order may subject Respondent to a civil penalty of up to \$2,000 (two-thousand dollars) for each day the order is violated pursuant to Utah Code Ann. § 58-1-503(1)

10. 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 Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

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.

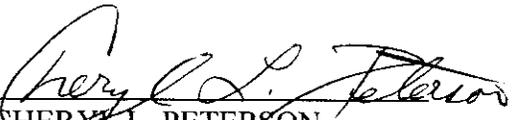
12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

13. 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

RESPONDENT

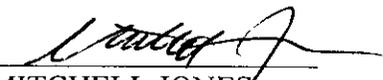
BY: 
SALLY A. STEWART
Bureau Manager

BY: 
CHERYL L. PETERSON

DATE: 07/21/2009

DATE: 7/21/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 21 July 2009

ORDER

THE ABOVE STIPULATION, in the matter of **CHERYL L. PETERSON**, 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)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 21ST day of July, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

W. Ray Walker, Acting Director
for MARK B. STEINAGEL
Director

Investigator: Lynn Hooper