

BEFORE THE ALABAMA BOARD OF MASSAGE THERAPY

IN THE MATTER OF:)
)
DANIEL OWENS) COMPLAINT NUMBER:
DBA OCHI BALANCE SPA E-3658) MAS 2024-039LE
)

**NOTICE OF EMERGENCY SUSPENSION,
ORDER OF THE BOARD AND NOTICE OF HEARING**

Comes now, the Alabama Board of Massage Therapy (the “Board”) and pursuant to Ala. Code 1975 § 41-22-19, **immediately suspends** Ochi Balance Spa E-3658 located at 204 Cox Creek Parkway Suite B, Florence Alabama 35630 owned by Daniel Owens (the “Respondent”), for operating a sexually oriented business; engaging in or attempted to or offer to engage a client in sexual activity; and allowing non-licensed massage therapist employee(s) to engage in or attempt to or offer to engage a client in sexual activity. The Respondent has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public.

STATEMENT OF FACT

1. On March 13, 2024, a complaint was filed with the Board by the Florence Alabama Police Department.
2. On March 25, 2024, an Alabama Board of Massage Therapy Establishment Inspection was conducted by the Investigator for the Board at Ochi Balance Spa E-3658 located at 204 Cox Creek Parkway Suite B, Florence Alabama 35630.

2. At the time of the establishment inspection on March 25, 2024, Ochi Balance Spa E-3658 was owned by Daniel Owens.

3. Complaint Number MAS 2024-039LE was initiated by the Board as a result of the complaint received on March 13, 2024, which alleged the Respondent is operating a sexually oriented business; engaging in or attempted to or offer to engage a client in sexual activity; and allowing non-licensed massage therapist employee(s) to engage in or attempt to or offer to engage a client in sexual activity.

5. The actions of the Respondent revealed at the time of the Establishment Inspection on March 25, 2024, present a danger to the public health, safety, or welfare.

CONCLUSIONS OF LAW

1. The Respondent is in violation of Ala. Code 1975 § 34-43-11(a) for allowing Ochi Balance Spa E-3658 to operate as a sexually oriented business.

2. The Respondent is in violation of Ala. Code 1975 § 34-43-15(b)(3) for allowing Ochi Balance Spa E-3658 to engage in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public.

3. The Respondent is in violation of Ala. Code 1975 §§ 34-43-8(a), 34-43-11(b), and 34-43-15(b)(9) for allowing Ochi Balance Spa E-3658 non-licensed massage therapist employee(s) to engage in or attempt to or offer to engage a client in sexual activity, including but not limited to genital contact, within the client-massage therapist relationship.

ORDER OF THE BOARD

The Respondent is in violations of Ala. Code 1975 §§ 34-43-8(a), 34-43-11(a), 34-43-11(b), 34-43-15(b)(3) and 34-43-15(b)(9) for operating a sexually oriented business; engaging in or attempted to or offer to engage a client in sexual activity; and allowing non-licensed massage therapist employee(s) to engage in or attempt to or offer to engage a client in sexual activity.

Ala. Code 1975 § 41-22-19(d) provides that:

If the agency finds that danger to the public health, safety, or welfare requires emergency suspension of a license and states in writing its reasons for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the license. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than 120 days and shall not be renewable. An agency shall not suspend the same license for the same or a substantially similar emergency within one calendar year from its first suspension unless the agency clearly establishes that it could not reasonably be foreseen during the initial 120-day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding under subsection (c) of this section shall also be promptly instituted and acted upon.

Upon the foregoing Statement of Fact and Conclusions of Law, the Board finds that the Respondent's behavior constitutes a danger to the public health, safety and welfare of the citizens of the State of Alabama and that an **emergency suspension** of Ochi Balance Spa, Alabama Massage Therapy Establishment License E-3658, located at 204 Cox Creek Parkway Suite B, Florence Alabama 35630, is justified and in order.

Therefore, Ochi Balance Spa, Alabama Massage Therapy Establishment License E-3658, located at 204 Cox Creek Parkway Suite B, Florence Alabama 35630, is hereby **SUSPENDED**,

effectively immediately, to and through July 25, 2024, or until the final disposition of this matter, whichever occurs first.

NOTICE OF HEARING

WHEREFORE, the foregoing premises considered, the Board requires that the Respondent Daniel Owens dba Ochi Balance Spa E-3658 appear and answer the allegations contained herein at an administrative hearing. **The administrative hearing is scheduled for April 25, 2024, at 2:00 p.m. at the Board's office located at 2777 Zelda Road, Montgomery Alabama 36104.**

The Respondent may be represented by an attorney if he so desires. The Respondent may cross-examine all witnesses who testify on behalf of the Board and may present evidence on his own behalf in response to the Board's charges as he considers necessary and appropriate.


If the Respondent does not appear at the scheduled administrative hearing, the Board may proceed in his absence and make a determination based on the evidence and testimony presented.

At the conclusion of the hearing, the Board is authorized to take disciplinary action up to and including the revocation of the Respondent's Alabama Massage Therapy Establishment License Ochi Balance Spa E-3658 based upon the evidence and testimony presented for consideration.

Notice is further given that the administrative hearing in this case will be conducted pursuant to the provisions of Ala. Admin. Code r. 532-X-5-.01, 532-X-8-.02 and Ala. Code 1975 § 41-22-1, et seq. The scheduled administrative hearing shall be conducted by a hearing officer appointed by the Board in accordance with Ala. Admin. Code r. 532-X-5-.03 and Ala. Code 1975 § 41-22-1, et seq.

The Board requests that administrative costs be assessed against the Respondent.

Done this the 27th day of March 2024, by the Executive Director on behalf of the Alabama Board of Massage Therapy.



Keith E. Warren
Executive Director
Alabama Board of Massage Therapy

PERSONAL SERVICE

This is to confirm that I, _____, Investigator for the Alabama Board of Massage Therapy, have personally served Daniel Owens dba Ochi Balance Spa E-3658 with Notice of Emergency Suspension, Order of the Board, and Notice of Hearing on the 27th day of March, 2024 in Case No. MAS 2024-039LE.

Investigator

Date

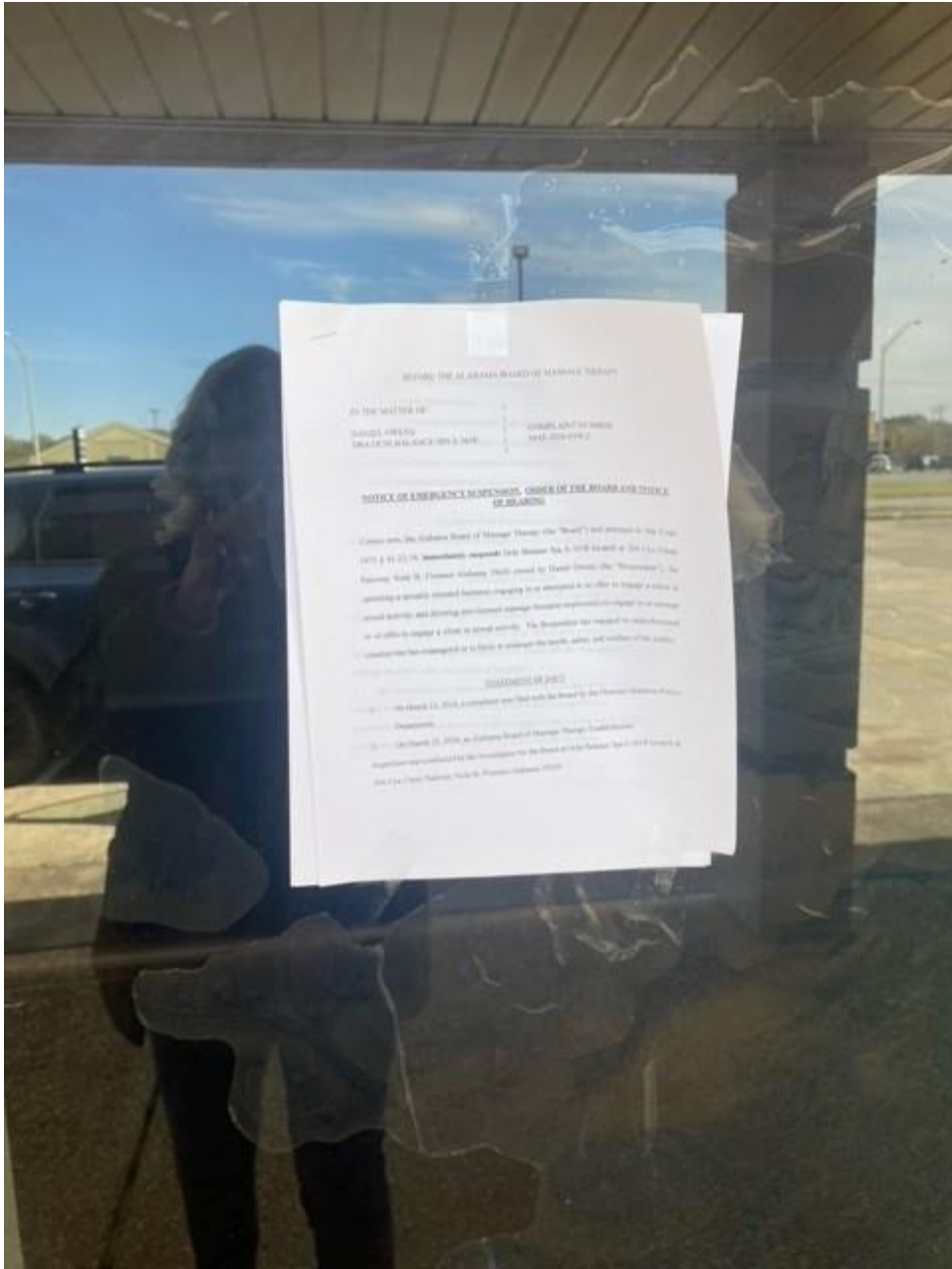
CERTIFICATE OF SERVICE

I hereby certify that this the 27th day of March 2024, served a copy of the foregoing upon the following via email, First Class Mail, and Certified Return Receipt Request mail:

Daniel Owens
dba Ochi Balance Spa E-3658
115 Julie Drive
Lexington AL 35648
Email: qing5344371@gmail.com
Certified Mail: 9489 0090 0027 6204 8192 08



Keith E. Warren
Executive Director
Alabama Board of Massage Therapy



NOTICE OF EMERGENCY MEETINGS, ORDER OF THE BOARD OF THE STATE OF ALABAMA

NOTICE OF EMERGENCY MEETINGS, ORDER OF THE BOARD OF THE STATE OF ALABAMA

Whereas the Alabama Board of Manager Health Care ("Board") has received the following information regarding the proposed merger of the following entities, and the Board has determined that the proposed merger constitutes a public health emergency and that the Board should take immediate action to address the proposed merger, the Board hereby orders that the Board shall hold an emergency meeting to discuss the proposed merger on the following dates and times:

NOTICE OF PUBLIC MEETINGS

- 1. On March 16, 2024, a public meeting shall be held by the Board at 10:00 a.m. at the Board of Health Care, 300 North Boulevard, Suite 200, Birmingham, Alabama 35203.
- 2. On March 23, 2024, a public meeting shall be held by the Board at 10:00 a.m. at the Board of Health Care, 300 North Boulevard, Suite 200, Birmingham, Alabama 35203.

Respectfully submitted, the Secretary of the Board of Health Care, Alabama