

BEFORE THE BOARD OF MASSAGE THERAPY  
OF THE STATE OF IOWA

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IN THE MATTER OF	)	CASE NO. 12-005
	)	
<b>David North</b>	)	<b>NOTICE OF POSSIBLE</b>
	)	<b>ACTION AND</b>
RESPONDENT.	)	<b>OPPORTUNITY FOR</b>
	)	<b>HEARING</b>

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**YOU ARE HERBY NOTIFIED** that the Iowa Board of Massage Therapy intends to issue an order pursuant to Iowa Code section 152C.4(1) (2011) imposing a civil penalty in an amount not to exceed \$1,000 per offense per day, based on the following allegations:

1. Respondent David North is an individual residing in the State of Iowa.
2. Respondent performed massage therapy as it is defined by Iowa Code section 152C.1(3).
3. Respondent acknowledged practicing Shiatsu massage and other forms of massage in the Atlantic News Telegraph.
4. Respondent is not licensed to provide massage therapy pursuant to Iowa Code chapter 152C.
5. Only persons qualified by the laws of Iowa and licensed pursuant to Iowa Code chapter 152C may provide massage therapy for compensation.
6. The practice of “massage therapy” includes the performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical

applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation. Iowa Code §152C.1(3).

7. Respondent violated Iowa Code section 152C.5 by practicing massage therapy without a valid license.
8. As authorized by Iowa Code section 152C.4, the Board may, by order, impose a civil penalty upon a person who practices as a massage therapist without a license.
9. In determining the amount of a civil penalty, the board may consider the following:
  - a. Whether the amount imposed will be a substantial economic deterrent to the violation;
  - b. The circumstances leading to or resulting in the violation;
  - c. The severity of the violation and the risk of harm to the public;
  - d. The economic benefits gained by the violator as a result of noncompliance;
  - e. The welfare or best interest of the public.
10. Pursuant to section 152C.4(2), you have the right to request a hearing in this matter prior to the issuance of an order or citation within thirty days of the date this Notice is mailed through restricted, certified mail. Your request for a hearing must be made in writing to: Pierce Wilson,

Board Administrator, Lucas State Office Building, 5<sup>th</sup> Floor, Des Moines, Iowa 50319-0075.

11. If a request for hearing is not timely made within thirty (30) days of issuance of this Notice, the Board may issue an order or citation pursuant to Iowa Code section 152C.4(1).
12. If a request for a hearing is timely made, a separate notice of hearing shall issue. The Board will conduct a public hearing in accordance with Iowa Code chapter 17A (2011). If the Board concludes that the evidence establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1,000 for each offense. Each day of a continued violation after an order or citation by the Board constitutes a separate offense, with a maximum penalty of \$10,000.
13. If a civil penalty is imposed and not paid within thirty days of entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs or the matter may be sent to the State's offset program.

Dated this 4th day of December, 2012.

IOWA BOARD OF MASSAGE THERAPY



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Mary Belieu, Chairperson

Iowa Board of Massage Therapy  
Lucas State Office Bldg., 5th Floor  
321 East 12th Street  
Des Moines, Iowa 50319-0075

CC:

David North  
809 Quince Road  
Harlan, Iowa 51537-5611