BEFORE THE INDIANA STATE BOARD OF MASSAGE THERAPY
CAUSE NO: 2017 SBMT 0002

IN THE MATTER OF THE LICENSE OF:)
CRAIG BURNS, M.T.,)
LICENSE NO: MT21405226 (ACTIVE))

FILED
MAY 02 2017
Indiana Professional Licensing Agency

PETITION FOR SUMMARY SUSPENSION

The State of Indiana ("Petitioner"), by Deputy Attorney General Amber Finley, petitions the Indiana State Board of Massage Therapy ("Board") to summarily suspend the massage therapy certification of Craig Burns, M.T. ("Respondent"), for a period of ninety (90) days, as he represents a clear and immediate danger to the public's health, safety, and property, and in support of its Petition states the following:

BACKGROUND

1. This Board has jurisdiction to summarily suspend Respondent's certification in accordance with the provisions of Ind. Code § 4-21.5-4 and Ind. Code § 25-1-11-13.

2. Respondent is a certified massage therapist in the State of Indiana, having been issued certification number MT21405226 by examination on September 9, 2014.

3. Respondent's address on file with the Board is 1600 Chestnut Avenue, Apt C, Winona Lake, Indiana 46590.

K.P.'s DECEMEBER 31, 2016 AND JANUARY 11, 2017 MASSAGE SESSIONS

4. On December 31, 2016, Client K.P. ("K.P.") visited Respondent for a massage at Charter Health College ("Charter") located in Warsaw, Indiana. K.P. arrived at Charter at 3:30 P.M. The massage was only scheduled for thirty (30) minutes, but lasted approximately two (2) hours.

5. On January 11, 2017, K.P. returned for a massage at 7:30 P.M. The massage was only scheduled for one (1) hour, but lasted three and a half (3½) hours.

6. K.P. left both massages thinking that they were professional and that Respondent was doing her a favor by going over the allotted time.

K.P.'s JANUARY 14, 2017 MASSAGE SESSION

7. On January 14, 2017, K.P. returned to Charter for a third and final massage from Respondent.

8. Prior to receiving the massage, K.P. paid Respondent Two Hundred Seventy-Five Dollars ($275.00) as full compensation for the second massage, and to cover the additional time added to the first massage. Respondent stated that he did not want the money, and that all of the extra time spent massaging K.P. was to be considered a "gift."

9. While providing massage therapy services, Respondent removed the sheet from K.P.'s body and groped and massaged K.P.'s breasts, penetrated her vagina with his fingers, made sexualized comments, kissed her stomach, and repeatedly tried to perform oral sex on her.

10. K.P. did not consent to the aforementioned conduct.

11. After completing the massage, K.P. was visibly upset and crying. Respondent asked K.P. if she felt like she had "disappointed Jesus."

POLICE INVESTIGATION

12. As a result of the inappropriate touching, K.P. filed a police report with the Warsaw Police Department on January 14, 2017 after leaving the massage therapy session with Respondent.

13. On January 25, 2017, the Warsaw Police Department requested that the Kosciusko County Prosecutor's office review the case for charges of Rape and Sexual Battery.

14. As of the date of this filing, no criminal charges are pending against Respondent pertaining to the above-referenced conduct and subsequent investigation.

PROFESSIONAL LICENSING ENFORCEMENT INVESTIGATION

15. On March 11, 2017, Respondent submitted his response to the Consumer Complaint filed by K.P. with the Office of the Indiana Attorney General. In said Response, Respondent did not deny any of K.P.'s claims, rather he acknowledged that they occurred. However, Respondent claimed that the acts occurred on "our own time" and were "100% consensual."

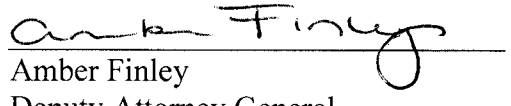
PRAYER FOR RELIEF

Based upon the above, Respondent represents a clear and immediate danger to the public's health, safety, and property if allowed to continue to practice as a Massage Therapist in the State of Indiana.

WHEREFORE, Petitioner respectfully requests that this Board set a hearing on this petition for summary suspension to be held at the Board's May 8, 2017 meeting, suspend Respondent's certification for a period of ninety (90) days, and provide any further relief the Board deems just and proper in the premises.

Respectfully submitted,
CURTIS T. HILL, JR.

Attorney General of Indiana
Attorney No.: 13999-20

By: 
Amber Finley
Deputy Attorney General
Attorney Number: 31299-49

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 234-7125
Fax: (317) 233-4393
E-mail: Amber.Finley@atg.in.gov

CERTIFICATE OF SERVICE

I certify that a copy of the "Petition for Summary Suspension" has been duly served upon Respondent listed below, by United States mail, first-class, postage prepaid, and electronic mail on this 2nd day of May 2017.

Mr. Craig Burns
1600 Chestnut Avenue, Apt C
Winona Lake, Indiana 46590

Respectfully submitted,

Amber Finley

Amber Finley
Deputy Attorney General
Atty. No.: 31299-49

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 234-7125
Fax: (317) 233-4393
E-mail: Amber.Finley@atg.in.gov