

BEFORE THE IOWA BOARD OF MASSAGE THERAPY

IN THE MATTER OF:)	
Massage Therapist License of)	Case No. 23-0346
)	DIAL No. 25DBMT0001
YIBO XIONG)	
License No. 099303)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Respondent.)	DECISION, AND ORDER

On July 23, 2024, the Iowa Board of Massage Therapy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent Yibo Xiong, alleging two counts: I) engaging in unethical conduct in violation of Iowa Admin. Code r. 645-134.2(28)(b); and II) failing to report in writing to the Board a revocation, suspension, or other disciplinary action taken by a licensing authority within 30 days of the final action in violation of Iowa Admin. Code r. 645-134.2(13).¹

A hearing was held on March 4, 2025. The following members of the Board presided at the hearing: LeAnn Stevens, chairperson; Doug Dollison; Jacob Schrader; and Amy Heinz. Assistant attorney general Samantha Wagner represented the State. Attorney Mark Simons represented Respondent Yibo Xiong. The hearing was open to the public at Respondent's election, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. A Mandarin interpreter was present to facilitate Xiong's participation in the hearing. Administrative Law Judge Laura Lockard assisted the Board in conducting the hearing and was instructed to prepare the Board's written decision in accordance with its deliberations.

THE RECORD

The record includes the Notice of Hearing and Statement of Charges, Statement of Matters Asserted, State's Exhibits 1 through 5, and Respondent's Exhibits A through C.² Additionally, the record includes testimony from the following witnesses: Client 1; Maureen Barton; and Yibo Xiong. The record also includes written closing statements submitted by the State and Respondent.

FINDINGS OF FACT

Yibo Xiong is a licensed massage therapist who, in September 2023, was the owner of Altoona Health Massage in Pleasant Hill, Iowa.

¹ At hearing, counsel for the State represented that the State would not be presenting any evidence regarding or asserting that a violation occurred regarding Count II.

² Arrangements were made at hearing to hold the record open for Respondent to submit Exhibit C no later than March 5, 2025 at noon. Respondent timely submitted Exhibit C and it is admitted.

Client 1, who is male, was visiting the Des Moines area with his wife on September 9, 2023. His wife had a nail appointment and he looked for a place where he could get a massage close to her appointment at around the same time. He visited Altoona Health Massage on September 9 around 9:00 AM. Client 1 goes to the chiropractor frequently and had had one or two massages prior to his appointment at Altoona Health Massage.

Upon arrival, a female worker took Client 1 back to a massage room. He was not given any instructions about what to wear for the massage, but recalled being told in the past to disrobe to where he was comfortable. Client 1 removed all of his clothing except for his underwear. When the worker came back in the room, she told Client 1 to take his underwear off. Client 1 stated that he was fine with the underwear on, but the worker removed the underwear. The worker draped Client 1 for the massage with a small towel approximately the size of a dish towel.

At one point during the massage, Client 1 was lying on his back and the individual providing the massage rubbed the area under the towel near Client 1's groin; specifically, the area where his legs and torso meet. While she did not touch Client 1's genital area directly, if she would have moved slightly she would have done so. After the worker instructed Client 1 to turn over onto his stomach, she again rubbed under the towel where the buttocks meet the legs.

The worker who gave Client 1 the massage asked him several times if he wanted to have a "four hands" massage where another therapist would assist. Client 1 understood that this would cost double and declined. Near the end of the massage, the worker had Client 1 roll back onto his back. While she was massaging near his waistline, she told him that for \$40 he could get a "big finish" and a "very happy ending." The worker made a motion with her hand to simulate masturbation. At first, Client 1 thought she was joking and he responded that he would pay \$5. The worker stated that was too cheap, but that she would do it for \$30. Client 1 said no. The massage ended at that point. Client 1 paid for the massage with a credit card and left.

Client 1 was shocked at how the massage had ended. When he met up with his wife afterwards, she noticed that he looked "off" and he told her what had happened. Client 1 and his wife discussed what action he could take, but Client 1 was not entirely sure of his options at that point.

After getting home from his weekend in Des Moines, Client 1 sought advice from some friends, including some individuals in law enforcement. He ultimately decided to make a report to the Board regarding what had occurred. On September 15, 2023, Client 1 made a phone call to the Board and spoke with investigator Maureen Barton. Client 1 described the person who performed the massage as Asian, about 5'5" tall, 130 pounds, and between 40 and 50 years old. Client 1 never heard the name of the person who performed the massage while he was at the business on September 9. There were two females present at the time; he believes the person who performed his massage was referred to as "Worker #1". Client 1 has never been provided photographs or asked to otherwise identify the person who performed the massage on September 9.

After receiving the complaint from Client 1, Barton contacted the Altoona Police Department and relayed the information she had received from Client 1. The police department informed Barton they would need time to do an investigation, then would contact her to set up a joint visit to the business.

On October 11, 2023, Barton, another Board investigator, a detective from the Altoona police department, and the fire marshal conducted an unannounced visit to Altoona Health Massage. When they arrived, there were two women working at the business. The individuals who were working were Liangzhen Zhang and Quiju Guo. Zhang and Guo both reported that they worked at Altoona Health Massage and provided massages. Neither was a licensed massage therapist. Xiong was not present at the business on October 11; Zhang and Guo reported that she was at a doctor's appointment in Chicago. Barton did not ask Zhang or Guo whether they were working on September 9, 2023 when Client 1 was in. Zhang and Guo were arrested and charged with failure to present a copy of a valid Iowa massage therapist license to a peace officer upon request under Iowa Code section 152C.5B(2). Both subsequently pleaded guilty.

Barton interviewed Xiong at the Board's offices on October 25, 2023. Prior to this meeting, Barton did not provide Xiong with any information about Client 1's allegations, including the date of service. During the meeting, Barton asked Xiong general questions about recordkeeping and how she keeps track of who performs massages on what dates. Barton told Xiong that a client made a complaint about a massage performed in September; specifically, Barton informed Xiong that the client stated that an employee pulled his underwear off of him before beginning the massage and that the same employee told the client that if he paid an additional \$40 he could receive a "big finish" and "happy ending." Xiong denied that any sexual services were offered out of her business. She also stated that if a client wanted to keep their underwear on, they would have been allowed to do so.

Barton never asked Xiong if she was working on September 9 or if she performed the massage on Client 1. Likewise, Barton did not ask Xiong if either of the individuals who worked for her would have identified themselves or been identified as "Worker #1". Xiong reported that after their arrests Zhang and Guo were no longer working for her at her business.

Xiong was not provided the name of Client 1 until after the Statement of Charges in this matter was filed. At that time, she was able to locate the credit card receipt from Client 1's service on September 9. Zhang's initials appear at the top of the credit card receipt, which is how the workers at the business recorded who provided the massage, allowing them to be paid.

Barton did not have any follow-up conversation with Client 1 after the initial complaint he made on September 15. She never asked Client 1 to identify Xiong or any other individual who might have provided the September 9 massage, either through photographs or otherwise.

Xiong is less than five feet tall with shoes on. Booking information from the Polk County jail after the arrests of Zhang and Guo reflects that Zhang is 5'4" and 120 pounds. Guo is 5'0" and 115 pounds.

CONCLUSIONS OF LAW

Count I: Unethical Conduct

Iowa law requires the Board to establish rules providing for revocation or suspension of a massage therapy license when the licensee, among other things, engages in unethical conduct or practice harmful or detrimental to the public.³ Pursuant to the authority granted by Iowa Code chapter 272C, the Board has promulgated the following rule:

645-134.2 Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—134.3 (147, 272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

...

134.2(28) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e. acts, knowledge, and practices) which constitutes unethical conduct may include, but need not be limited to, the following:

- a. Verbally or physically abusing a client or coworker.
- b. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.
- c. Betrayal of a professional confidence.
- d. Engaging in a professional conflict of interest.
- e. Promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service or directing or requiring an individual to purchase or secure a drug, device, treatment, procedure, or service from a person, place, facility, or business in which the licensee has a financial interest.⁴

The Board found Client 1's testimony regarding what occurred during the September 9 massage credible and concluded that the conduct described is a violation of Iowa Admin. Code r. 134.2(28)(b). The Board also concluded, however, that the State failed to prove by a preponderance of the evidence that Xiong was the person who provided the September 9 massage to Client 1. In coming to this conclusion, the Board relied on the fact that Client 1 never identified Xiong as the person who performed the September 9 massage. Barton did not ask Client 1 to do so during her investigation. At hearing, where Client 1 testified by videoconference and Xiong was present in person, the State

³ Iowa Code §§ 147.55(3); 272C.10(3).

⁴ 645 Iowa Administrative Code (IAC) 134.2(28).

likewise did not ask Client 1 to identify Xiong as the person who performed the massage. Additionally, the State introduced photographs of Zhang and Guo into evidence at hearing, but Client 1 was not asked to either identify or rule out either of those individuals as the person who performed the September 9 massage. The Board's conclusion that Client 1 was credible in his testimony does not extend as far as finding that Xiong provided the September 9 massage, as Client 1 provided no testimony to this effect.

Xiong denied providing the September 9 massage to Client 1 and, apart from Xiong telling Barton during their October 2023 interview that she typically worked at the business every day, there is no specific evidence in the record from which to conclude that it was Xiong, rather than Zhang or Guo, who provided the September 9 service. The evidence demonstrates that there were days that Xiong did not work at the business, including the day that Barton and the police visited.

The Board notes that this is a narrow ruling on only the limited question of whether a violation was committed by Xiong as the practitioner who provided the September 9 massage to Client 1. Under these circumstances, the Board does not find that Xiong committed the violation alleged.

Count II: Failure to Report Disciplinary Action

The Board's rules also provide that it may impose disciplinary sanctions when a licensee fails to report in writing to the Board within 30 days any revocation, suspension, or other disciplinary action taken by a licensing authority.⁵ The State indicated at the outset of the hearing that it did not intend to produce any evidence regarding this count, nor did it intend to assert that a violation of this subsection had occurred. There is no evidence in the record that Xiong failed to report any disciplinary action taken by any licensing authority against her. Accordingly, there is no violation related to Count II.

ORDER

IT IS THEREFORE ORDERED that the Statement of Charges filed against Yibo Xiong on July 23, 2024 is hereby DISMISSED.

Dated this 25th day of March, 2025.



LeAnn Stevens
Chairperson, Iowa Board of Massage Therapy

⁵ 645 IAC 134.2(13).

cc: Samantha Wagner, Assistant Attorney General (AEDMS)
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Appeal Rights

In accordance with the provisions of Iowa Code section 17A.16, a party may file an application for rehearing within twenty (20) days after the issuance of this decision. In accordance with Iowa Code section 17A.19(3), any petition for judicial review must be filed within thirty (30) days after an application for rehearing has been denied or deemed denied. If a party does not file an application for rehearing, any petition for judicial review must be filed within thirty (30) days after the issuance of this decision.