



Effective 8-5-14

*Protecting, maintaining and improving the health of all Minnesotans*

July 2, 2014

Brandon Lee Palmer

SUBJECT: Determination affecting your right to practice unlicensed complementary and alternative health care in Minnesota.

Dear Mr. Palmer:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you violated Minnesota Statutes, section 146A.08, subdivisions 1(a), (b), and (d), by engaging in sexual contact with clients. Therefore, MDH is revoking your right to practice unlicensed complementary and alternative health care in Minnesota. Minnesota Statutes, section 146A.09, subdivision 1(1) authorizes this revocation.

This decision will be final and effective 30 days from the date it is received by you. During that 30 day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter to:

Gilbert Acevedo, Director, Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, Minnesota or fax it to Mr. Acevedo at (651) 201-3839. If you have any questions, please contact Mr. Acevedo at (651) 201-3727.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over the typed name.

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

Cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Brandon Lee Palmer  
Unlicensed Complementary and Alternative Health care Practitioner**

**AUTHORITY**

1. Minnesota Statutes, section 146A.09, subdivision 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter "OCAP") within the Minnesota Department of Health (hereinafter "MDH") has the authority to revoke, suspend, censure, reprimand, or impose limitations or conditions on an unlicensed complementary and alternative health care practitioner when there is a violation of law as defined in Minnesota Statutes, section 146.08, subdivision 1.
2. Minnesota Statutes, sections 146A.01, subdivision 4, provides that complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (17) bodywork, massage and massage therapy. Minnesota Statutes, section 146A.01, subdivision 6(4) defines a complementary and alternative health care practitioner as providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.
3. Minnesota Statutes, section 146A.08, subdivision 1(a) defines prohibited conduct as a conviction of a crime in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices.
4. Minnesota Statutes, section 146A.08, subdivision 1(b) defines prohibited conduct as a conviction of any crime against a person, including criminal sexual conduct in the fourth degree, Minnesota Statutes, 609.345.
5. Minnesota Statutes, section 146A.08, subdivision 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

## **FINDINGS OF FACT**

1. Brandon Palmer (hereinafter "Practitioner") owned and operated Serene Body Therapy in Roseville, Minnesota. Practitioner worked as a massage therapist and provided massage services to clients.
2. In April 2014, Practitioner was convicted of fourth and fifth degree criminal sexual conduct in Ramsey County District Court (Case Number 62-CR-13-5102).
3. Minnesota Statutes, section 609.45, subdivision 1(o) defines fourth degree criminal sexual conduct as a person who engages in sexual conduct with another person in the following circumstances: the actor performs massage or other body work for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.
4. In May 2014, Practitioner pled guilty to three felony counts of fourth degree criminal sexual conduct in Ramsey County District Court (Case Number 62-CR-13-7402, 62-CR-13-7404, and 62-CR-13-7406). As part of the plea agreement, three charges of fifth degree criminal sexual conduct were dropped and three other cases against Practitioner were dismissed.
5. On June 17, 2014, Practitioner was sentenced to confinement of one year at the Ramsey County Correctional Facility and placed on 10 years of supervised probation. Practitioner also has to register himself as a sex offender and undergo sex offender treatment.

## **CONCLUSION**

Practitioner violated Minnesota Statutes, section 146A.08, subdivision 1(a), (b), and (d).

## **DETERMINATION**

Practitioner's right to provide complementary and alternative health care services in Minnesota, including massage therapy and bodywork, is revoked.