

February 16, 2018

Ms. Hillary B. Parsons
Caplan & Tamburino
C/O Mr. Gary Lee Sarppo

[REDACTED]
[REDACTED]

SUBJECT: OCC18003

Dear Mr. Sarppo,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you performed prohibited conduct as an unlicensed complementary and alternative health care practitioner. MDH is revoking your right to practice unlicensed complementary and alternative health care, including bodywork, massage therapy, and massage therapy services.

This decision will be made 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. This right is provided under Minnesota Statutes, Chapter 14. You must make the request for a hearing in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter to:

Catherine Lloyd
Manager, 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, MN; or fax it to Ms. Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,



Susan Winkelmann, Assistant Division Director
Health Regulation Division

cc: Catherine Lloyd, Manager, Health Occupations Program

**A Determination in the Matter of
Gary Lee Sarppo
Unlicensed Complementary and Alternative Health Care Practitioner**

Authority:

1. Minnesota Statute, 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 (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 Statute section 146.08, subdivision 1.
2. Minnesota Statute, section 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 therapy, and massage therapy services.
3. Minnesota Statute, section 146A.01, subdivision 6(3), defines a complementary and alternative health care practitioner as a person who is engaging in complementary and alternative health care services.
4. Minnesota Statute, section 146A.06, subdivision 1, requires an OCAP practitioner to cooperate fully with an investigation regarding their practice.
5. Minnesota Statute, section 146A.08, subdivision 1(c), prohibits the failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.
6. Minnesota Statute, 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.
7. Minnesota Statute, section 146A.08, subdivision 1(f), prohibits conduct likely to harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a client.

Findings of Fact:

1. On September 23, 2017, Gary Lee Sarppo (hereinafter “Practitioner”) was the owner-operator of “Massage Rejuvenation” located at 2499 Rice Street #135, Roseville,

Minnesota 55113. The establishment closed on December 27, 2017.

2. Practitioner currently holds a massage therapist license with the City of Roseville as set forth by City of Roseville Ordinance 309, subsection 4.
3. On September 25, 2017, a massage client reported unwanted sexual contact by Practitioner to the Roseville Police Department.
4. On December 6, 2017, Practitioner was charged in Ramsey County District Court with Criminal Sexual Conduct in the Third Degree in violation of Minnesota Statute 609.344, subsection 1(o), a felony offense. The criminal case has not been adjudicated as of this date.
5. On December 12, 2017, two additional clients reported unwanted sexual contact by Practitioner to the Roseville Police Department at Massage Rejuvenation.
6. On January 23, 2018, MDH sent a letter to Practitioner requesting an in-person interview regarding the allegations of the investigation.
7. On February 7, 2018, MDH received a response from Practitioner's legal representative stating, "Mr. Sarppo is no longer employed as a massage therapist and will not contest the revocation of his OCAP licensing. Please be advised that he will not participate in an interview with the OCAP staff nor answer any questions regarding this issue."

Conclusion:

In lieu of participating in the OCAP investigative process, Mr. Sarppo has indicated he will not contest revocation of his OCAP practice.

Determination:

Practitioner's right to practice complementary and alternative health care, including bodywork, massage therapy, and massage therapy services, in the State of Minnesota is hereby revoked.