

BEFORE THE DELAWARE BOARD OF MASSAGE AND BODYWORK

IN THE MATTER OF:)
)
ROBERT D. LEECH) **Case Nos. C-MB-2023-00021**
LICENSE NO. MC-0002742) **C-MB-2023-00022**

**ORDER ACCEPTING COMPLAINT AND GRANTING
MOTION FOR TEMPORARY SUSPENSION**

WHEREAS, the Delaware Department of Justice through the prosecuting Deputy Attorney General has filed with the Board of Massage and Bodywork (“Board”) a written Complaint and Motion for Temporary Suspension in the above referenced matter, Case Numbers C-MB-2023-00021 and C-MB-2023-00022, against Respondent Robert D. Leech (“Respondent”), a Delaware licensed certified massage technician; and

WHEREAS, said Complaint and Motion, sent to Respondent and his attorney, Gary Junge, Esquire, by email on December 22, 2023, allege that, at all relevant times, Respondent was self-employed as a massage technician at an establishment known as Fusion Wellness and Spa, located in a detached structure behind a residence at 34361 Bookhammer Landing Road in Lewes, Delaware. This location has never been licensed. Respondent also operated a licensed massage establishment, Fusion Massage and Wellness, located at 34005 Westcoats Road in Lewes, between June 20, 2018 and February 21, 2021; and

WHEREAS, said Complaint and Motion allege that, on September 18, 2023, C.A. received a deep tissue massage from Respondent at the Bookhammer Road location. C.A. sought massage services due to a pulled muscle in the area of her neck and shoulder. During the massage, Respondent ran his hands along C.A.’s torso between her breasts and arms and rubbed her breasts. Respondent further massaged C.A.’s buttocks, legs and inner thighs close to her vagina. At times during the massage, Respondent unnecessarily exposed parts of C.A.’s body; and

WHEREAS, said Complaint and Motion allege that Respondent engaged in comparable conduct during massages performed on three separate clients at the Bookhammer Road location in March 2022, May 2021, and February 2020. In all three cases, Respondent massaged the clients' breasts, inner thighs, close to the vaginal area, and unnecessarily exposed parts of the clients' bodies; and

WHEREAS, said Complaint and Motion allege that, on December 19, 2023, Respondent was charged with and arrested for two counts of unlawful sexual contact third degree for offenses committed against the client in the 2021 incident, six counts of unlawful sexual contact third degree for offenses committed against the client in the 2020 incident, and one count of operating an unlicensed massage establishment in 2021; and

WHEREAS, during the bail review hearing, Respondent was released on his personal recognizance and prohibited from operating a massage establishment without licensure; and

WHEREAS, the Complaint and Motion allege that Respondent violated 24 *Del. C.* § 5313(a)(4) and several Board Regulations, including but not limited to: Respondent psychologically and/or physically abused a client (Board Reg. 11.2.3); intentionally exposed a client's genitals, gluteal cleft and/or breasts (Board Reg. 11.2.7); engaged in sexual harassment, sexual impropriety, sexual violations and/or sexual abuse (Board Reg. 11.2.8); failed to use safe and functional coverage/draping practices (Board Reg. 11.1.9); knowingly engaged in behavior that was fraudulent, dishonest, deceitful and/or involved moral turpitude engaged (Board Reg. 11.2.2); and operated an unlicensed massage establishment (Board Reg. 12.2.1); and

WHEREAS, Respondent and/or his legal counsel was given at least 24 hours' written notice so that he could file a written response in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint and Motion for Temporary Suspension in

compliance with 24 *Del. C.* § 5315(c); and

WHEREAS, Respondent has not responded to the Complaint and Motion; and

WHEREAS, 24 *Del. C.* § 5315(c) provides that: “In the event of a . . . complaint concerning the activity of a licensee . . . that presents a clear and immediate danger to the public health, safety or welfare, the Board may temporarily suspend the person’s license or certificate, pending a hearing, upon the written order of the Secretary of State or the Secretary’s designee, with the concurrence of the Board chair or the Board chair’s designee . . . The decision as to whether to issue the temporary order of suspension will be decided on the written submissions”; and

WHEREAS, the Complaint and Motion highlight the serious, egregious nature of Respondent’s conduct in that, as recently as September 2023, he imposed unwanted sexual acts upon several clients and took advantage of their vulnerable situations by virtue of his role as a Delaware certified massage technician; and

WHEREAS, conditions of Respondent’s release in his criminal case do not include a provision that he is prohibited from practicing as a massage technician; and

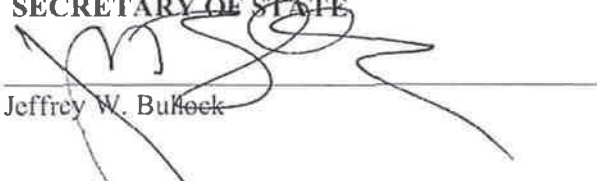
WHEREAS, the undersigned have an obligation to ensure that the public’s health, safety and welfare is protected; and

WHEREAS, after due consideration of the Complaint and Motion, the Secretary of State, with the concurrence of the Board President, has determined that the available information is sufficient to support entry of an Order temporarily suspending Respondent’s license to practice massage and bodywork in the State of Delaware in that there is a reasonable belief that Respondent’s continued practice presents a clear and immediate danger to the public health, safety and welfare;

NOW THEREFORE, IT IS ORDERED this 29th day of December 2023 :

1. That the Motion for Temporary Suspension of Respondent Robert D. Leech's license to practice as a certified massage technician (License No. MC-0002742) is **GRANTED**; and
2. Respondent shall be served with a copy of this Order as provided in 24 *Del. C.* § 5315(c); and
3. That the Complaint is accepted as a Formal Complaint and shall be assigned to a hearing officer in accordance with 24 *Del. C.* § 5315(c) and 29 *Del. C.* § 8735(v)(1)(d) to hear evidence related to the Formal Complaint; and
4. That pursuant to 24 *Del. C.* § 5315(c), Respondent may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date Respondent is notified of this Order.

SECRETARY OF STATE



Jeffrey W. Bullock

BOARD OF MASSAGE AND BODYWORK



/s/ Kathy Sherwin
Kathy Sherwin, President

Date Mailed: 12/29/2023

cc: Robert D. Leech
Gary Junge, Esquire
Kemba S. Lydia-Moore, Deputy Attorney General

BEFORE THE DELAWARE BOARD OF MASSAGE AND BODYWORK

IN RE: ROBERT D. LEECH) **Case Nos. C-MB-2023-00021**
) **C-MB-2023-00022**
)
LICENSE NO.: MC-0002742)

COMPLAINT AND MOTION FOR TEMPORARY SUSPENSION

1. Robert D. Leech (“Respondent”) is a certified massage technician in the State of Delaware, license number MC-0002742. Respondent’s license was issued on January 30, 2009 and expires on August 31, 2024. Respondent’s license is currently active.

2. At all times relevant, Respondent was self-employed as a massage technician at an establishment known as Fusion Wellness and Spa, located in a detached structure behind the residence at 34361 Bookhammer Landing Road, Lewes, DE (“34361 Bookhammer”).

3. 34361 Bookhammer has never been a licensed massage establishment as required by 24 *Del. C.* § 5307(d).

4. Between June 20, 2018 and February 28, 2021, Respondent operated a licensed massage establishment, Fusion Massage and Wellness, license number MZ0000032, located at 34005 Westcoats Road, Lewes, DE.

Client C.A.

5. On September 18, 2023, C.A. received a deep tissue massage from Respondent at 34361 Bookhammer. C.A. sought Respondent’s services due to a pulled muscled in the area of her neck and shoulder. C.A. was previously acquainted with Respondent because they attended the same church.

6. Upon arrival, Respondent left C.A. alone in the massage room to undress. C.A. removed all her clothing except her underwear, lay on her back on the massage table, and covered herself with a sheet.

7. Thereafter, Respondent returned to the massage room, provided C.A. an eye-mask that she put on, turned on a meditation recording, and then left the room again. After a few minutes, C.A. heard Respondent return to the massage room and sit in the corner for the remainder of the meditation recording.

8. When the meditation recording concluded, Respondent oiled his hands, reached under the sheet, and began massaging C.A. by running his hands along her torso between her breasts and arms, rubbing her breasts. C.A., who had previously received numerous massages, immediately felt uncomfortable. Later, when C.A. was laying on her stomach, Respondent placed the sheet above her waste and adjusted her underwear such that her buttocks were entirely exposed. Respondent then massaged C.A.'s buttocks, legs, and her inner thighs in close proximity to her vagina.

9. At times during the massage, Respondent positioned the sheet in a way that unnecessarily exposed parts of C.A.'s body. C.A. had to adjust the sheet multiple times to cover body parts she felt did not need to be exposed

10. At times during the massage, C.A. felt extreme pain and discomfort which caused her to involuntarily shift her position, but Respondent did not adjust his technique.

11. At times during the massage, C.A. reminded Respondent about the pulled muscle in her neck and shoulder area to ensure that he would massage that part of her body. Respondent replied, "I know. I'm not done yet" but it was the last area of C.A.'s body that he massaged.

12. At the conclusion of the massage, Respondent whispered in C.A.'s ear, "I'm done."

13. Throughout the massage, Respondent never informed C.A. of what body part he was about to touch which caused her discomfort. C.A. felt violated and found the massage to be unethical and unlike any of her previous massages.

14. Following the massage, C.A. searched the internet for reviews about Respondent and found negative reviews written by L.S. and C.R.

15. On September 21, 2023, C.A. lodged a complaint with Delaware State Police against Respondent about the aforementioned massage.

Client C.R.

16. On or about March 27, 2022, C.R. received a massage from Respondent at 34361 Bookhammer.

17. Upon arrival, Respondent left C.R. alone in the massage room to undress. C.R. removed all her clothing except her underwear. There was a sheer, see-through curtain at the entrance of the massage room.

18. When Respondent returned to the massage room, he provided C.R. an eye mask that she put on and then Respondent played a meditation recording. C.R. heard Respondent walk towards the chairs located in the massage room and when the meditation recording ended, Respondent began massaging C.R.'s arms. At that time, C.R. was laying on her back and remained in that position while Respondent also massaged C.R.'s legs and breasts. During the massage, Respondent adjusted the sheet that covered C.R. to almost expose her groin. As Respondent massaged C.R.'s inner thighs, the back of his hand touched her vagina. Respondent massaged C.R.'s breasts very close to her nipples. When C.R. repositioned to lay on her stomach, Respondent adjusted the sheet to completely expose C.R.'s buttocks.

19. Upon completing the massage, Respondent whispered in C.R.'s ear, "I'm done."

20. C.R. scheduled another appointment, but then emailed Respondent to cancel it because she felt uncomfortable during the massage.

21. Later, C.R. became aware of L.S.'s negative review about Respondent and contacted her.

22. On September 29, 2023, C.R. provided a statement to Delaware State Police about the aforementioned massage.

Client D.K.

23. On May 26, 2021, D.K. received a massage from Respondent at 34361 Bookhammer.

24. Upon arrival, Respondent left D.K. alone in the massage room to undress. D.K. removed all her clothing except her underwear, lay on her stomach on the massage table, and covered herself with a sheet. There was a sheer, see-through curtain at the entrance of the massage room.

25. When Respondent returned to the massage room, he began massaging D.K.'s neck and arms. Respondent then instructed D.K. to lay on her back. For approximately 5 minutes, Respondent massaged D.K.'s breasts under the sheet. Respondent gripped and cupped her breasts and was in close proximity to her nipples. Respondent then instructed D.K. to lay on her stomach again and at one point the sheet only covered D.K.'s ankles. While D.K. was laying on her stomach, Respondent massaged her buttocks, groin area, and brushed against her vagina.

26. During the massage, D.K. felt uncomfortable.

27. After the massage, Respondent offered D.K. a tour of his residence.

28. On November 14, 2023, D.K. provided a statement to Delaware State Police about the aforementioned massage.

Client L.S.

29. On February 7, 2020, L.S. obtained a 90-minute deep tissue massage from Respondent at 34361 Bookhammer. Upon arrival, L.S. completed paperwork wherein she indicated she had sciatica pain and Respondent said he could remedy the pain in one massage session.

30. Respondent left L.S. alone in the massage room to undress. L.S. removed all her clothing, lay on her back on the massage table, and covered herself with a sheet. There was a sheer, see-through curtain at the entrance of the massage room.

31. When Respondent returned to the massage room, he provided L.S. an eye-mask that she put on and turned on a meditation recording. Respondent sat in the corner of the massage room for the duration of the meditation recording which lasted approximately 15 minutes.

32. When the recording concluded, Respondent began to massage L.S.'s breasts under the sheet. For approximately 10 minutes, Respondent massaged L.S.'s breasts and came very close to touching her nipples. Later, when L.S. repositioned to lay on her stomach, Respondent adjusted the sheet to completely expose L.S.'s buttocks. Respondent painfully massaged L.S.'s leg and then spent a significant amount of time massaging L.S.'s buttocks and inner thighs. While massaging L.S.'s inner thighs, Respondent was in very close proximity to her vagina. When Respondent massaged L.S.'s lower back her buttocks were partially exposed and Respondent utilized a tool that caused immense pain.

33. At the conclusion of the massage, Respondent again played the meditation

recording and then whispered in L.S.'s ear, "I'm done."

34. Respondent left the massage room to allow L.S. to dress and then returned to ask, "Are you tipping in cash or by card?". L.S. paid a tip because she felt pressured to do so.

35. Throughout the massage, Respondent never informed L.S. of what body part he was about to touch. L.S. found the massage to be inappropriate, unsettling, of an intimate nature, and beyond the scope of a professional massage.

36. L.S. wrote a negative review about her massage experience and in response, Respondent offered to provide a free massage in exchange for L.S. removing the review.

37. According to L.S., multiple women have contacted her via Facebook Messenger to share their similar, inappropriate experiences.

38. On September 21, 2023, L.S. lodged a complaint with Delaware State Police against Respondent about the aforementioned massage.

Criminal Charges

39. On December 19, 2023, in case number 2312002769, Respondent was charged with and arrested for two counts of Unlawful Sexual Contact Third Degree in violation of 11 *Del. C.* §767 for offenses committed on May 26, 2021 against D.K, six counts of Unlawful Sexual Contact Third Degree in violation of 11 *Del. C.* §767 for offenses committed on February 7, 2020 against C.R., and one count of Operating an Unlicensed Massage Establishment on May 26, 2021 in violation of 24 *Del. C.* §5407(d).

40. During Respondent's bail review hearing in case number 2312002769, Respondent was released on his personal recognizance and "prohibited from operating a massage establishment unless a licensure of some sort i[s] provided to the Attorney General's Office and/or the Court."

41. Pursuant to Board of Massage and Bodywork Regulation 14.1.12, Unlawful Sexual Contact Third Degree is a crime that is substantially related to the practice of massage and bodywork.

42. By the above-referenced conduct, Respondent violated 24 *Del. C.* § 5313(a)(4) by violating the following Board Statutes and Regulations:

- a. 24 *Del. C.* § 5307(d) in that he operated an unlicensed massage establishment at 34361 Bookhammer;
- b. 11.1.3 in that he failed to base decisions and actions on behalf of his clients on sound ethical reasoning and current principles of practice;
- c. 11.1.6 in that he failed to discuss with clients which massage modalities and techniques would be utilized;
- d. 11.1.9 in that he failed to use safe and functional coverage/draping practices during the practice of massage when the client was disrobed;
- e. 11.2.2 in that he knowingly engaged in behavior that was fraudulent, dishonest, deceitful, and/or involved moral turpitude;
- f. 11.2.3 in that he psychologically and/or physically abused a client;
- g. 11.2.4 in that he violated a client's boundaries with regard to exposure, privacy, and/or disclosure;
- h. 11.2.7 in that he intentionally exposed a client's genitals, gluteal cleft, and/or breasts;
- i. 11.2.8 in that he engaged in sexual harassment, sexual impropriety, sexual violation, and/or sexual abuse;
- j. 12.2.1 in that he operated an unlicensed massage establishment;

- k. 12.2.2 in that he did not obtain approval of the Board before operating a massage establishment.

43. By the above-referenced conduct, Respondent violated 24 *Del. C.* § 5313(a)(9) in that he is guilty of unprofessional conduct and departed from or failed to conform to the following national code of professional ethics and standards:

- a. Ethic VII - Conduct business and professional activities with honesty and integrity, and respect the inherent worth of all persons;
- b. Ethic XII - Provide draping and treatment in a way that ensures the safety, comfort and privacy of the client;
- c. Standard I(c) – Treat each client with respect, dignity, and worth;
- d. Standard I(j) – Use appropriate draping to protect the client’s physical and emotional privacy.

44. Respondent used his position to impose unwelcome sexual acts upon numerous clients. Respondent preyed upon his clients and took advantage of their vulnerable situations. In the related criminal case, the conditions of Respondent’s release do not include a provision that he is forbidden from practicing as a massage technician. Respondent’s continued practice presents a clear and immediate danger to the public health, safety and welfare requiring emergency action such that the Board should issue an order temporarily suspending his privilege to practice in Delaware, pending a final hearing on the Complaint as provided by 24 *Del. C.* § 5315(c).

WHEREFORE, pursuant to 29 *Del. C.* § 8735 and 24 *Del. C.* Chapter 53, the State of Delaware respectfully requests that the Board:

- a. Find that Respondent is a clear and immediate danger to the public health, safety and welfare;

- b. Temporarily suspend Respondent's privilege to practice in Delaware pending a final hearing on the Complaint;
- c. Serve Respondent with a copy of the Complaint;
- d. Find Respondent guilty of the violations alleged herein; and
- e. Impose such disciplinary measures as the Board deems appropriate.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Kemba S. Lydia-Moore
Kemba S. Lydia-Moore (I.D. # 6369)
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Date: December 22, 2023