



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-48A

Oklahoma State Board of Cosmetology and Barbering
2401 N.W. 23 St., Suite 84
Oklahoma City, Oklahoma 73107

November 1, 2024

Re: Binkley, Case No. 2023-002

To Whom It May Concern:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma State Board of Cosmetology and Barbering intends to take in case 2023-002.

The Massage Therapy Practice Act authorizes the Board to take disciplinary action in cases where the licensee has committed “an act of unprofessional conduct” or violates a rule or law. 59 O.S.2021, § 4200.11(B)(2). Board rules state that a “licensee shall not massage the genitalia of a client nor engage in . . . any activity with the intent of sexually arousing a client.” OAC § 175:20-9-1(h).

According to a Board complaint, Respondent performed a massage on D.S. on September 19, 2023, at Elements Massage in Edmond, Oklahoma. D.S. testified that during the massage, Respondent sexually assaulted her by inappropriately massaging her genitalia and causing her discomfort. D.S. reported the incident to both the massage establishment and the police. During the Board hearing, Respondent attended but did not provide testimony to counter the allegations against him.

At the conclusion of the hearing, the Board found clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 4200.11(B)(2) and OAC § 175:20-9-1(h). The Board proposes to revoke Respondent’s massage therapy license and order him to pay \$467.75 in costs related to the disciplinary proceedings. The Board reasonably believes this action is necessary to protect the public and deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma State Board of Cosmetology and Barbering has adequate support for the conclusion that this action advances the State’s policy to protect public health, safety, and welfare by ensuring massage therapists adhere to professional conduct standards and do not harm their clients.

A handwritten signature in blue ink that reads "Brad Clark".

BRAD CLARK
GENERAL COUNSEL