

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.)
)
LIGHTHOUSE FITNESS)
)
Respondent)

Case No. 12-0027-DIS



NOTICE OF HEARING

The State of Oklahoma, ex rel., Department of Consumer Credit, alleges and states as follows:

JURISDICTION, AUTHORITY AND REQUIREMENTS

1. The Administrator of Consumer Credit (Administrator) is charged with the administration and enforcement of the Oklahoma Health Spa Act, 59 O.S. §§ 2000 et seq.

2. No health spa shall offer or advertise health spa services without first being registered with the Administrator. 59 O.S. § 2002(A).

Penalties

1. The Administrator may, after notice and hearing, decline to renew a registration, or suspend or revoke any registration issued pursuant to the Oklahoma Health Spa Act or any rules promulgated by the Administrator, or in lieu of or in addition to such denial, suspension or revocation, order the refund of any unlawful charges, or enter a cease and desist order. 59 O.S. § 2009(E).

2. Any entity or individual offering to engage or engaged as a health spa without a registration in the State of Oklahoma shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00). 59 O.S. § 2009(F).

Appointment of independent hearing examiner

1. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Health Spa Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. 59 O.S. § 2009(D).

2. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Health Spa Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. 59 O.S. § 2009(D).

Hearing costs

The costs of the hearing examiner may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing party. 59 O.S. § 2009(D).

Appeals

A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. 59 O.S. § 2009(D).

Requirements for individual proceedings at the Department of Consumer Credit

The Respondent is responsible for reviewing the administrative rules regarding procedures and requirements for references of parties, entries of appearances, continuances, subpoenas and Consent Orders for individual proceedings at the Department of Consumer Credit. The administrative rules regarding individual proceedings are located at OKLA. ADMIN. CODE § 160:3-1-4. A copy of the individual proceeding rules has been attached to this Notice of Hearing for reference.

Consent Order

1. The Respondent may waive the right to a hearing and enter into a Consent Order with the Department. If the Respondent wishes to waive the right to a hearing, the Respondent shall sign and notarize the enclosed Consent Order and submit to the attention of Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The signed and notarized Consent Order and any applicable penalties indicated in the Consent Order shall be received by the Petitioner on or before August 22, 2012.

Enforcement of final agency order or settlement agreement

Any administrative order or settlement agreement imposing a civil penalty pursuant to the Oklahoma Health Spa Act may be enforced in the same manner as civil judgments in the State of Oklahoma. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County. 59 O.S. § 2009(G).

ALLEGATIONS OF FACT

1. On February 23, 2012, Consumer Credit Examiner Jeremy Brooks sent a letter via certified mail to the Respondent at 3333 West Hefner Road, Oklahoma City, OK 73120. The letter stated that Respondent may be engaged or offering to engage in health spa services without a health spa registration. The letter required a response from the Respondent within ten (10) days of receipt.

2. The Petitioner received a certified mail return receipt signed by Cedric Haywood at 3333 West Hefner Road, Oklahoma City, OK 73120 dated February 27, 2012.

3. On March 8, 2012, Consumer Credit Examiner Jeremy Brooks visited Respondent's business location at 3333 West Hefner Road, Oklahoma City, OK 73120. Respondent's Membership Advisor Travis Cox provided Consumer Credit Examiner Jeremy Brooks a business card that includes the following information:

"Lighthouse Sports, Fitness & Health (405) 751-3344

Fax (405) 302-5583 www.okclighthouse.com OKC'S MOST COMPLETE HEALTH CLUB!! Travis Cox Membership Advisor tc Cox@okclighthouse.com Cell (405) 762-1628 3333 W. Hefner Rd. OKC., OK 73120 (NE corner of Hefner Rd. & Hefner Pkwy.)"

4. Consumer Credit Examiner Jeremy Brooks observed individuals exercising on Nautilus-style equipment, free weights, and stationary bikes at the Respondent's business location at 3333 West Hefner Road, Oklahoma City, OK 73120 on March 8, 2012.

5. On March 8, 2012, Respondent's sales representative Travis Cox provided Consumer Credit Examiner Jeremy Brooks a document that includes the following information:

"Special Member Lighthouse Sports, Fitness & Health Membership Pricing 2011. Single Membership Month to Month - \$35.00 per month & \$149.00 Enrollment fee or \$48.00 per Month & \$0 Enrollment Fee. Couple Membership Month to Month - \$60.00 per month & \$179.00 Enrollment Fee or \$80.00 per month & \$0 Enrollment Fee. Family Membership Month to Month - \$80.00 per month & \$199.00 Enrollment Fee or \$95.00 per Month & \$0 Enrollment Fee."

6. On March 8, 2012, Respondent's sales representative Travis Cox provided Consumer Credit Examiner Jeremy Brooks a membership registration which included the following information:

"Lighthouse Fitness Center Membership Registration
Personal Information (please print legibly):
Membership Number: Start Date: Expiration Date:
Last Name: First Name: MI:
Street Address:
City: State: Zip:
Home Phone: Bus. Phone: Alt. Phone:
Birth Date (mm/dd/yy): Age: Sex: M F Occupation:
Personal Physician: Phone Number:
Emergency Contact #1: Phone Number:
Additional Family Members Joining The Facility
(minimum age 13) Name Relationship Sex Birth Date Age
How did you hear about Lighthouse Fitness Center:
Reason For Joining Lighthouse Fitness Center (please
indicate top three) A. Atmosphere B. Location C. Facility D.
Equipment E. Programs F. Cleanliness G. Advise of Physician H.
Friends I. Price J. Staff K. Other

For Corporate Members Only

Corporate Name: Phone:
Street Address: Corporate Rep:
City: State: Zip:

Personal Medical History

Have you or do you currently have any of the following? When? Cancer Heart Disease Asthma Orthopedic Problems Hypertension Diabetes Emphysema Other

Have you ever experienced any of the following while exercising? No Yes When? Irregular or rapid heart rate Shortness of breath Pain in the chest, arm or throat Dizziness or confusion

Do you smoke? No Yes Cigarettes per day
Cigars/Pipe per day Quit Less than one year ago More than one year ago

Family Medical History

Parents Heart Disease Stroke High blood pressure
Diabetes High cholesterol

Grandparents Heart Disease Stroke High blood pressure
Diabetes High cholesterol

Siblings Heart Disease Stroke High blood pressure
Diabetes High cholesterol

Do you know your cholesterol values? No Yes value When tested?

Rate your everyday stress level: Low Moderate High Very High

Medication Usage Please list all non and prescription medications you are currently taking:

Are you allergic to any medications?

Have you been injured while exercising? No If yes, please explain

Please list any other pertinent medical information:

Activity levels

Please rate your activity level: Very sedentary
Sedentary Average Active Very Active

Nutritional Information

How many times a week do you eat the following items:
Red Meat Fried food Dairy products Fruits Vegetables Breads (cereals) Sweets

Goals Regarding Exercise and Nutrition

Additional Comments

Consent for Exercise Prescription and Release of Liability

Consent and Risks Associated with Exercise: There is a potential for orthopedic, cardiac and respiratory problems occurring during and after exercise. Our fitness specialist will

take you through a very thorough fitness assessment. They will evaluate your medical history and personal information and based on your goals they will prescribe the safest and most effective exercise program to meet your needs. There will be periodic monitoring of the exercise program with attempts to minimize problems associated to your exercise program. Should an occasion arise we have staff trained in cardiopulmonary resuscitation and first aid in case of any emergency. You will be placed on an exercise program that will improve your overall health and wellness. You will be given instruction and information on how to perform exercises in a safe and timely manner. Release of liability I hereby waive and release, for myself and my heirs, any and all rights or claims I may ever have against Lighthouse Sports, Fitness and Health and any affiliates or subdivisions of Lighthouse Sports, Fitness and Health, including without limitation to Lighthouse Sports, Fitness and Health and each of their respective agents, employees, servants, officers, directors, and representatives, for injury of illness arising out of or in any way connected with my use of the facilities of Lighthouse Sports, Fitness and Health. I further agree to indemnify and hold harmless each of said persons from or against all liability for my loss, cost, injury, or damage to said persons or property which may arise by virtue of my use of the facilities of Lighthouse Sports, Fitness and Health. Signature Date Witness Date"

7. On March 8, 2012, Respondent's sales representative Travis Cox provided Consumer Credit Examiner Jeremy Brooks a Group Exercise Schedule which included the following information:

"Lighthouse Sports, Fitness and Health Group Exercise Schedule February 8, 2012 Tel. # 751-3344 Studio 1 Studio 2 Studio 3 Warm water pool Lap pool Early morning 5:45 am Group Power Precia/Kara (T. & Th.) 5:45 am Spinning Nancy/Shelby (M, W, F) 8:30 am PILATES Denise/Kimberly (M, W, F) 8:45 am Group Power Cindy (T.Th.) 9:00 am Cardio Kickboxing Hillary/Diana (M.W.F Sat.) 8:30 am Spinning Hillary (Sat) 7:00 am Early-Bird Aqua Linda L. (M.W.F.) 9:00 am PILATES Kimberly (Sat.) 9:00 am Aqua Challenge Bernie/Carol (M-F) 7:00 am Hydro-Tone Dan/Bernie (M.W.F.) 9:30 am Dance Fit Cindy (M.W.F.) 10:15 am Hatha Yoga Judy (M.W.) 9:00 am SPIN Tiffany, Lisa (T.Th.) 9:00 am Adaptive H2O Carol/Sally (M.W.F.) 8:00 am Water Running Dan (M.W.F.) 10:00 am Group Power (Sat) 10:15 am Power Flow Yoga Jennifer (Tues) 8:30 am Hydro-Tone Dan (M.W.) Mid Morning 10:30 am Stability Ball Tiffany/Hillary (M&W) 10:30 ZUMBA Marti (F) 10:15

am Yoga Plus Sara (Thu) 9:30 am Aqua Challenge Carol (Sat) 8:30
am Hydro-Tone Dan (Sat.) 9:50-10:20 am Zumba Quick Kristen (T,
Th) 10:15 am Power Yoga (Friday) Hillary 10:30 am TaiChi David
(T & Th) 10:15 am Vinyasa Yoga Hillary (Sat.) 10:00 am National
Arthritis Foundation Class Kathy/Sally/Carol (M-F) Afternoon
12:00 pm Zumba Basics Kristen (Mon) 11:00 am *Water Babies
Rachel/Jeff (F.Sat.) 1:30 pm ZUMBA Michael (Sun) 2:00 pm Sunday
Spin Lisa 4:00 pm Saturday ZUMBA Ramey Evening 5:30 pm Group
Power Judy (M.W.F.) 5:45 pm Cardio Kickboxing Paulette (M.W.)
5:30 pm Pilates Kimberly (T.Th.) 6:15 pm Gentle Yoga Cheri (T,
TH) 6:00 pm Spinning Alex (M.W.) 5:45 pm Aqua Challenge (M-Th)
Lisa/Linda L 6:00 pm Hydro-Tone Carol/Bernie (T. Th) 7:00 pm
ZUMBA Ramey (T, W) 7:00 pm YOGA Judy (M.W.) 7:00 pm Nat'l
Arthritis Mike (T&TH) 9:00 pm Closed"

8. On March 8, 2012, Respondent's sales representative Travis Cox provided Consumer Credit Examiner Jeremy Brooks a Group Exercise Class Description which included the following information:

"Lighthouse Group Exercise Class Descriptions Cardio Kickboxing: Experience the energy of integrating basic self-defense techniques, boxing moves, and kicks all with the use of bags. This intense class is designed to boost your endurance, muscular tone, and self-empowerment. And we're betting that you're gonna love it! Dance Fit: This class is a dance based aerobic program. It involves high energy aerobic routines with low impact level options also shown. This class is for everyone, every fitness level, every dance skill level! It will strengthen your heart and lungs, decreases stress and burn calories as well as put a big smile on your face.! Gentle Yoga: The perfect class to begin your journey into the yoga world. You will learn the poses as well and find inner peace and a healthy way to relax. Best for the beginner student. Group Power: This resistance training class is great for men and women looking for that extra challenge to keep those results coming. Free weights in a group atmosphere with great music. Use of varying ranges of movement, light to moderate resistance and high repetitions, which target sets of muscle groups. STOP THE WAITING GAME And START THE WEIGHTING GAME. Hatha Yoga: In the class you will be guided through several relaxation techniques. Each of the postures have been carefully chosen to be powerful and effective at stimulating and toning the muscles they are designed to target. Benefits include increased lung capacity, release of stress, flexibility, coordination, & balance. Bring a mat and towels. Pilates: A complete workout that improves flexibility.,

strength, balance and muscle tone Focuses on abdominal strength as the key to the balanced body. Proper breathing techniques and body mechanics are taught. Power Flow Yoga: This is one of the advance forms of yoga. This is vinasa style class, meaning the poses flow from one to the next without stopping. Participants should have some yoga experience but need no be proficient in all postures as modifications will be given for each pose. Spinning: A group exercise class that is sure to make you sweat. This is a high cardio class that is for the beginner to advanced participant. Experience the ride of your life in a studio setting..Bring towels and water .For 1st timers get there 10-15 mins. early to learn setup. Stability Ball: This class will increase your flexibility, strength, and balance . The use of a Fit Ball during this class makes it perfect for those unable to participate in exercise requiring long periods of time on your feet. Great for seniors or individuals having limitations such as arthritis, lupus or fibromyalgia. T'ai Chi: An ancient form of body movement The principles of movement are based on the coordination of the mind, the inner body, and the outer body. As a precursor Qigong will be practiced to loosen our bodies for T'aiChi, Qigong means working with life energy to improve health and harmony in mind and body. Perfect for all ages and levels of fitness. Yoga Plus: You will feel successful as you learn yoga poses as well as pilates and core movements all geared to improve posture, breathing and overall wellness. Zumba: A class that brings together intense dance aerobics moves with pulsating Latin music. The routines feature aerobic/fitness interval training with a combination of fast and slow rhythms that tone and sculpt the entire body to create a one-of-the kind workout. Using principles of interval training and resistance training to maximize calories burned and total body toning. WATER AEROBICS A.M.Aqua Challenge: This class can challenge beginners and pro's of all ages. It is a popular class for seniors and their pals. 40-45 minutes cardio with 15-20 minutes toning. (water shoes recommended) P.M.Aqua Challenge: Splish splash into shape with this high intensity water class. 45 min. cardio followed by toning. Early Bird Aqua: Have a busy day ahead? But still need the morning workout to get going ?You will get a great early morning workout with this class. Cardio training followed by some resistance training through the day. This can be challenging but appropriate for all levels. Deep H2O Training: This class is a great way to get the cardio in your workout with out the impact on the joints.ou will feel energized and refreshed after this class. Adaptive H2O: This low impact class will give you a great workout with toning and water walking included.This class is for those that have recently been

released from therapy or have physical limitations that make most group exercise classes too difficult. National Arthritis Foundation Class: This gentle, non-impact class, designed by the Arthritis Foundation. Participants are led by a trained instructor through a series of specially designed exercises, which use the aid of the waters buoyancy and resistance to help relieve pain and stiffness. Persons with severe joint problems or who have had joint surgery are encouraged to check with their Dr. For special precautions..Hydro-Tone Using equipment developed by the instructor, this class will give the healthy participant a great overall training using all the major muscle groups. Club Hours: M-F. 5:30am-9:00pm Sat. 8:00am-6:00pm Sun. 1:00pm-6:00pm The Nursery is open for your convenience: Monday-Friday 7:45am-7:00pm Saturday 8:30am-1:00pm Closed Sunday"

9. On March 16, 2012, Consumer Credit Examiner Jeremy Brooks visited Respondent's business location at 3333 West Hefner Road, Oklahoma City, OK 73120 and advised the Respondent's General Manager, Dean Murphey, on how to apply for a health spa registration.

10. On March 16, 2012, Consumer Credit Examiner Jeremy Brooks visited Respondent's business location at 3333 West Hefner Road, Oklahoma City, OK 73120 and observed individuals exercising in the Respondent's weight room.

11. The Respondent's Internet website, <http://www.okclighthouse.com> dated February 13, 2012 provides the following information:

"Oklahoma City's Premier Total Fitness Facility. WELCOME TO LIGHTHOUSE SPORTS, FITNESS AND HEALTH HOURS OF OPERATION: MON - FRI 5:30 a.m. to 9:00 p.m. SAT 8:00 a.m. to 6:00 p.m. SUN 1:00 p.m. to 6:00 p.m. Our state of the art 100,000 sq. ft. facility is sure to have what you are looking for to help you live a healthy, energetic life. Our friendly staff is here to serve you and we are passionate about creating a fitness experience to help you get the most out of life. No matter what your previous exercise experience is we can help you get in shape by providing you with state of the art equipment, world-class staff and innovative programs and services. For information on Health and Fitness call: (405) 751-3344 For information on Basketball or Volleyball call: (405) 755-1975 For information on Martial Arts call: (405) 973-8249"

12. The Respondent's Internet website,

<http://www.okclighthouse.com/Membership/MembershipPackages.aspx> dated February 13, 2012 provides the following information:

"MEMBERSHIP PACKAGES Join the most complete health club in Oklahoma City. The Lighthouse offers a membership option that best suits your needs. You can choose from: Individual \$149.00 Assessment and \$35.00 per month or \$0 down and \$48.00 per month Family \$199.00 Assessment and \$80.00 per month or \$0 down and \$95.00 per month Or a pool only membership. For a tour of our facility, come by and see one of our Membership Advisors"

13. The Respondent's Internet website, <http://www.okclighthouse.com> dated February 13, 2012 provides the following information:

"MEMBERSHIP REPRESENTATIVES Come by today and let one of our Membership Representatives show you around the club, and answer any of your membership questions. Travis Cox tcox@okclighthouse.com Jesse Adams jesse@okclighthouse.com"

14. The Respondent's Internet website, <http://www.okclighthouse.com> dated June 6, 2012 provides the following information:

"Today we define wellness as the achievement of balance between our physical, emotional, intellectual, social and spiritual selves. This means something different to each of us - after all, inspiration is individual. But wellness always includes a common sense approach to life. At the Lighthouse, we help you make health and fitness a part of your everyday life, in a sensible manner **An Oklahoma Gym, But Much More** At the Lighthouse, wellness goals become reality - guaranteed. With so many fitness options and support, you'll actually look forward to coming in and working out. **History** The Lighthouse fitness component was the ultimate conclusion to the sports and fitness vision of the Lighthouse when it originated in 1994 with its 4 sports courts and outdoor pool. Our desire to provide the best and most diversified fitness and health facility in Oklahoma City began in October, 2000. Since then, our 100,000 square foot facility has afforded Oklahoma City with the only location to provide a sports venue with 4 full-sized basketball/volleyball courts, 6 sand volleyball courts, obstacle course, and Junior Olympic outdoor pool. Our fitness facility has 2 indoor pools (a 12 lane lap pool and warm water therapy pool), 4 exercise studios, 90 piece cardio area with 12 TV's, 3 weight exercise circuits, free weight area, separate men's and women's Jacuzzi,

steam rooms and dry saunas, nursery, juice bar, and kid's activity zone. We have some activity or resource for everyone to help meet one's health objective."

15. As of June 19, 2012, Respondent has not become registered as a health spa in the State of Oklahoma.

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated 59 O.S. § 2002(A) by offering or advertising health spa services without first being registered with the Administrator.

2. The Respondent has violated 59 O.S. § 2009(F) by offering to engage or engaging as a health spa without a registration.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on September 10, 2012 at 1:30 p.m. at the office of the Administrator of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The purpose of the hearing is to address the allegations contained in this Notice and to determine if any penalties authorized by the Oklahoma Health Spa Act shall be imposed against the Respondent.

3. Correspondence regarding this matter shall be directed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, telephone number 405-522-4665, email: rmartin@okdocc.ok.gov.



Roy John Martin

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