

Nevada State Board of Massage Therapy

NOTICE OF PUBLIC MEETING

LOCATIONS:	Nevada Attorney General's Office – Las Vegas Grant Sawyer Building 555 East Washington Street, Suite 4500 Las Vegas, NV 89101
	Videoconference To: Nevada Attorney General's Office – Carson City 100 North Carson Street, Mock Court Room Carson City, NV 89701
DATE:	October 24, 2017
TIME:	9:00 a.m. PST

Meeting Minutes

Please Note: The Nevada State Board of Massage Therapy (Board) may 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

1. Call to order and roll call of Board Members – Board members present: Chair – April Whiting, Vice Chair – Diane Huleva, Secretary/Treasurer – Deirdre Strunk, Margaret Westcamp, Gayle Ferruccio, Teresa Lopez and Elisabeth Barnard.
2. Welcome new Board member Sergeant Cody Fulwiler with the Las Vegas Metropolitan Police Department.

Sgt. Cody Fulwiler was in attendance.
3. Public comment. (Discussion Only) Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

Victoria Sadiki with Professional Massage Inc., spoke about an increase in massage therapists volunteering their time for numerous organizations. Ms. Sadiki is excited about

Mr. Coro receiving his license in order to begin his career again. Professional Massage is excited to be offering CEU's regarding chair massage, poker massage, ethics, business and sales inside the gaming environment.

Rolando Coro showed excitement about being licensed to practice massage again. He voiced his appreciation for being able to attend his first meeting and his approval of the amazing things that the Board is doing to change things in the industry.

4. Formal Hearing for Suet Lin Morgan – NVMT #3074 – NVMT-C-1710. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Suet Lin Morgan was not in attendance. Ms. Morgan has requested to continue her hearing until November 29, 2017.

5. Formal Hearing for Mi Sook Cho – NVMT #4978 – NVMT-C-1711. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Mi Sook Cho was not in attendance. Ms. Cho has requested to continue her hearing until November 29, 2017.

6. Formal Hearing for Chawalee Dawson – NVMT-C-1712. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Ms. Chawalee Dawson was not present. Rosalee Bordelove, Board Counsel; Colleen Platt as Prosecutor.

Ms. Platt presented a settlement agreement offer signed by Ms. Dawson. This agreement is before you today for Board approval. Ms. Dawson has admitted that she was arrested for solicitation of sexual activity during the course of practicing massage and that she currently does not hold a license issued by the Nevada State Board of Massage. Ms. Dawson has agreed to a \$1,000.00 fine due within six months from the effective date of this order.

Motioned by Diane Huleva to accept and approve this settlement agreement, seconded by Deirdre Strunk. Motion carries unanimously.

7. Formal Hearing for Jin E. Liu – NVMT #532 – NVMT-C-1713. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Jin E. Liu was not in attendance. Ms. Liu has requested to continue her hearing until November 29, 2017.

8. Formal Hearing for Sivaporn Laurendeau – NVMT #8042 – NVMT-C-1722. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Ms. Sivaporn Laurendeau was present, Mr. Kirk Kennedy, legal counsel for Ms. Laurendeau, Rosalee Bordelove, Board Counsel; Colleen Platt as Prosecutor.

Colleen Platt called Michael Fairweather, Detective with the Special Investigations Unit of the Las Vegas Metropolitan Police Department. Det. Fairweather was sworn in by April Whiting. Mr. Fairweather testified that during an undercover operation at Thai Day Spa owned and operated by Sivanporn Laurendeau in June of 2017 the undercover detective went into the establishment and paid for a massage. The massage therapist, Chawalee Dawson, who performed the massage and solicited sexual activity from the detective, was not licensed at the time of the operation. Ms. Laurendeau was served an emergency suspension on the business license for Thai Day Spa.

Colleen Platt called Juan Guzman, Detective with the Special Investigations Unit with the Las Vegas Metropolitan Police Department. Det. Guzman was sworn in by April Whiting. We conducted an undercover operation to include Ms. Chawalee Dawson. Ms. Dawson provided a massage to me during that operation and solicited prostitution, therefore Ms. Dawson was arrested.

Colleen Platt called Tereza VanHorn, Executive Assistant with the Nevada State Board of Massage Therapy. Ms. VanHorn was sworn in by April Whiting. Ms. VanHorn testified that Ms. Laurendeau completed her renewal on line and marked that she was performing out call massage. She did not indicate that she was a spa owner or working in a spa.

Ms. Laurendeau was sworn in by April Whiting. Ms. Laurendeau stated that she has owned the Thai Day spa for seven months. Ms. Laurendeau has a city business license to operate the Thai Day Spa. She stated Tony at AMO completed her renewal online. Ms. Laurendeau was not aware that Tony from AMO did not include her business information on her renewal. Ms. Laurendeau admitted that she knew that Ms. Dawson did not have a massage therapy license, but that she only worked at the spa for 2-3 days.

Colleen Platt questioned Ms. Laurendeau. Secretary of the State documents reflects name of Thai Spa and Massage LLC. The current status of that Secretary of the State document reflects default status. Ms. Laurendeau states the default status is due to her attempting to sell the business. The Secretary of State website reflects the filing of her business license on September 21, 2016, Ms. Dawson was employed on June 27, 2017. So in fact Ms. Laurendeau has owned the business longer than the seven months as she has stated in her previous testimony. Ms. Laurendeau did not check the Nevada State Board of Massage Therapy's website to confirm the license status of Ms. Dawson.

Motioned by Diane Huleva findings of fact and the violations of law are to be true, seconded by Teresa Lopez. Motion carries unanimously.

Motioned by Diane Huleva Count 1 has been a proven by a preponderance of evidence, seconded by Teresa Lopez. Motion carries unanimously.

Motioned by Diane Huleva Count 2 has been a proven by a preponderance of evidence, seconded by Teresa Lopez. Motion carries unanimously.

Motioned by Diane Huleva Count 3 has been a proven by a preponderance of evidence, seconded by Teresa Lopez. Motion carries unanimously.

Motioned by Diane Huleva Count 4 has been a proven by a preponderance of evidence, seconded by Teresa Lopez. Gayle Ferruccio opposes. Motion carries.

Motioned by Teresa Lopez to approve a one year probation, ethics and business course within 6 months of the date of order, certificates of completion for ethics and business must be provided to Board staff, these courses will not count toward renewal hours, a fine of \$2,000.00 per count, cost not to exceed \$1,000.00, fines and costs to be paid within one year of this order. Ms. Laurendeau will have to go before the Board for a review at the end of her probation term, seconded by Gayle Ferruccio. Teresa Lopez, Elisabeth Barnard and Gayle Ferruccio approved. Margaret Westcamp, Deirdre Strunk and Diane Huleva oppose. April Whiting opposes, motion fails.

Motioned by Gayle Ferruccio assess a \$1,500.00 fine for Count 1, seconded by Diane Huleva. Motion carries unanimously.

Motioned by Gayle Ferruccio assess a \$1,500.00 fine for Count 2, seconded by Diane Huleva. Teresa Lopez opposes. Motion carries.

Motioned by Teresa Lopez assess a \$2,000.00 fine for Count 3, seconded by Elisabeth Barnard. Margaret Westcamp and Gayle Ferruccio opposed. Motion carries.

Motioned by Diane Huleva assess a \$1,000.00 fine for Count 4, seconded by Deirdre Strunk. Teresa Lopez and Elisabeth Barnard opposed. Motion carries.

Motioned by Elisabeth Barnard to approve a one year probation, ethics and business course within 6 months of the date of order, certificates of completion for ethics and business must be provided to Board staff, these courses will not count toward renewal hours, fines and costs to be paid within one year of this order. Ms. Laurendeau will have to go before the Board for a review at the end of her probation term, seconded by Diane Huleva. Motion carries unanimously.

9. Formal Hearing for Yvette Chappel – NVMT #1938 – NVMT-C-1723. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)
Yvette Chappel was present, Rosalee Bordelove, Board Counsel; Colleen Platt as Prosecutor.

Colleen Platt called Christy Brunner, Investigator with Nevada State Board of Massage Therapy. Ms. Brunner was sworn in by April Whiting. When Ms. Brunner reviewed the list of employees she discovered Ms. Chappel was on the list of active employees. At the time of the inspection Ms. Chappel was in a massage; although, her license was expired.

Colleen Platt called Tereza VanHorn, Executive Assistant with Nevada State Board of Massage Therapy. Ms. VanHorn was previously sworn in by April Whiting. Ms. VanHorn testified to the date when Ms. Chappel submitted her online renewal.

Motioned by Teresa Lopez findings of fact and the violations of law are to be true, seconded by Elisabeth Barnard. Motion carries unanimously.

Motioned by Teresa Lopez Count 1 has been proven by a preponderance of evidence, seconded by Diane Huleva. Motion carries unanimously.

Motioned by Teresa Lopez assess a public reprimand, seconded by Elisabeth Barnard. Motion rescinded, second rescinded.

Motioned by Teresa Lopez assess a public reprimand with cost not to exceed \$500.00, payable within one year of this order, seconded by Elisabeth Barnard. Motion carries unanimously.

10. Formal Hearing for Randell Williams – NVMT #6135 – NVMT-C-1724. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

Randell Williams was not present.

Colleen Platt reminded the Board under NRS 622A.350 the Board may continue in the event of failure to appear. The Board has the ability to accept the allegations in the complaint as true. It is predicated upon finding proof that Mr. Williams was given sufficient notice.

Colleen Platt called Tereza VanHorn, Executive Assistant with Nevada State Board of Massage. Ms. VanHorn was previously sworn in by April Whiting. Ms. VanHorn testified Mr. Williams was sent a certified letter to his address on file containing his complaint notice of hearing on August 21, 2017. A re-notice was sent on September 25, 2017.

Motioned by Diane Huleva sufficient notice was given, seconded by Teresa Lopez. Motion carries unanimously.

Colleen Platt called Christy Brunner, Investigator with Nevada State Board of Massage. Ms. Brunner was previously sworn in by April Whiting. The Reno office received an anonymous complaint regarding Mr. Williams. Ms. Brunner testified Mr. Williams currently has an expired massage therapy license. Mr. Williams' license expired February 28, 2017.

Exhibit 1 was described as an advertisement from Mr. Williams' website. Mr. Williams operates a business called Mystic Hands. The exhibit displayed the menu options available from Mr. Williams for his clients, including massage with no draping. The address for Mystic Hands is the mailing address for Mr. Williams. Exhibit 1 was allowed by April Whiting, Board Chair. According to page one of the menu clearly states no draping, which means the clients are not provided privacy during a massage, a violation of NAC 640C.700(7). On page 4 of exhibit 1, the advertisement also offers services for women only, with no draping. Flowlaxation is a modality that Mr. Williams has developed. Flowlaxation has 3 levels based off the comfortableness with your massage therapist. The 3rd level provides no draping while performing Yoni massage, a form of vaginal massage.

Motioned by Teresa Lopez findings of fact are true and have been proven, seconded by Diane Huleva. Motion carries unanimously.

Motioned by Teresa Lopez Count 1 has been proven, seconded by Elisabeth Barnard.

Motioned by Elisabeth Barnard to issue a Cease and Desist to Mr. Williams, refuse to renew license for five years, assess a \$5,000.00 fine with cost not to exceed \$1,000.00, payable within one year of this order, if Mr. Williams applies again, his application will go before the Board for a review, seconded by Teresa Lopez. Motion carries unanimously.

11. Discussion and possible approval of programs of massage therapy that the Board recognizes pursuant to NRS 640C.400 and application review of education completed by applicants who attended these programs. (For Discussion and Possible Action)
 - a. Review documentation for Alive Institute of Therapeutic Massage – Port Hueneme, California. (For Discussion and Possible Action)

Motioned by Teresa Lopez to deny this school, seconded by Gayle Ferruccio. Motion carries unanimously.

- b. Review application for Junping Su. (For Discussion and Possible Action)
Sandy Anderson, Executive Director - Ms. Su's application is before you today due to education that cannot be approved administratively. Ms. Su received her education in California. Ms. Su attended Alive Institute of Therapeutic Massage. Alive Institute's application with CAMTC is pending. Additional information has been requested. Ms. Su is requesting to be granted a license under NRS 640C.400. A background check was completed.

Junping Su was present, Stanley Pant, friend was present, Carl Jeffrey, friend was present.

Motioned by Diane Huleva to deny this application, seconded by Teresa Lopez. Motion carries unanimously.

- c. Review documentation for Florida Metropolitan University DBA as Everest University – Orlando, Florida. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve this school, seconded by Deirdre Strunk. Motion carries unanimously.

- d. Review application for Sara V. Hirsz-Moronta. (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Ms. Hirsz-Moronta's application is before you today due to education that cannot be approved administratively. Ms. Hirsz-Moronta received her education in Florida. Ms. Hirsz-Moronta attended Florida Metropolitan University DBA Everest University in Orlando, Florida. As of 2015 Everest University was changed to Altierus Career College. Additional information has been requested. Ms. Hirsz-Moronta is requesting to be granted a license under NRS 640C.400. A background check was completed.

Sara V. Hirsz-Moronta was present.

Motioned by Diane Huleva to approve this application, seconded by Gayle Ferruccio. Motion carries unanimously.

- e. Review documentation for Makoto Kai Healing Arts – Woodland, California. (For Discussion and Possible Action)

Motioned by Diane Huleva to approve this school, seconded by Teresa Lopez. Motion carries unanimously.

- f. Review application for Carol Drew. (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Ms. Drew's application is before you today due to education that cannot be approved administratively. Ms. Drew received her education in California. Ms. Drew attended Makoto Kai Healing Arts in Woodland, California. Makoto Kai Healing Arts has not submitted an application to CAMTC for approval. Additional information has been requested. Ms. Drew is requesting to be granted a license under NRS 640C.400. A background check was completed. Carol Drew was present.

Motioned by Diane Huleva to approve this application, seconded by Teresa Lopez. Motion carries unanimously.

- g. Review documentation for University of East-West Medicine – Sunnyvale, California. (For Discussion and Possible Action)

Motioned by Teresa Lopez to deny this school, seconded by Diane Huleva. Motion carries unanimously.

h. Review application for Fengming Ni. (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Ms. Ni's application is before you today due to education that cannot be approved administratively. Ms. Ni received her education in California. Ms. Ni attended University of East-West Medicine in Sunnyvale, California. University of East-West Medicine's application with CAMTC is pending. Additional information has been requested. Ms. Ni is requesting to be granted a license under NRS 640C.400. A background check was completed.

Fengming Ni was not in attendance.

Motioned by Teresa Lopez to deny this application, seconded by Gayle Ferruccio. Motion carries unanimously.

12. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Review Application of Anthony B. Gilyard, Jr. (For Discussion and Possible Action)

Anthony Gilyard Jr. was present, Karina Manedell, friend.

Sandy Anderson, Executive Director - Mr. Gilyard's application is before you today due to potential criminal history that could not be approved administratively. Mr. Gilyard is requesting to be granted a license under NRS 640C.700.

Discussion was held regarding Mr. Gilyard's application. The Board questioned Mr. Gilyard regarding his history and also allowed his character witness, Karina Manedell to provide information as to his character.

After substantial discussion as to Mr. Gilyard's character, Deirdre Strunk proposed the possibility of a limited license with the ability to perform only chair massage during a probationary period which was followed by additional debate.

Motioned by Teresa Lopez to deny this application, seconded by Margaret Westcamp. Teresa Lopez, Margaret Westcamp and Elisabeth Barnard to deny this application. Deirdre Stunk, Gayle Ferruccio and Diane Huleva opposed the motion. Chair April Whiting voted to break the tie, voting in favor of the motion. Motion carries.

The Chair asked for legal counsel's assistance with regard to changing her vote. Counsel informed the Board members that to rescind a vote required a motion to rescind a previous decision.

Motioned by Gayle Ferruccio to rescind previous decision, seconded by Deirdre Strunk. Teresa Lopez and Margaret Westcamp opposed. Diane Huleva did not vote because she did not believe it was appropriate to rescind the vote.

Motioned by Gayle Ferruccio to approve 1 year probation, provide clients with only a chair massage in a public setting, Mr. Gilyard must provide employer report or employer evaluation with employer input submitted to the office every 3 months, and complete a background check prior to renewal with a review by the Board for reevaluation, seconded by Deirdre Strunk. Diane Huleva, Deirdre Strunk, and Gayle Ferruccio in favor. Teresa Lopez, Elizabeth Barnard and Margaret Westcamp oppose. The Chair voted to break the tie, voting in favor of the motion. Motion carries.

b. Review Application of Jing M. Nohrden (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Ms. Nohrden's application is before you today due to potential criminal history that could not be approved administratively. Ms. Nohrden was before the Board on June 11, 2010; April 15, 2011 and August 26, 2016. Ms. Nohrden is requesting to be granted a license under NRS 640C.700

Ms. Nohrden was present, Kirk Kennedy, legal counsel for Ms. Nohrden

Motioned by Gayle Ferruccio to deny this application, seconded by Teresa Lopez. Diane Huleva opposes. Motion carries.

c. Review Application of Connie Wright (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Ms. Wright's application is before you today due to potential criminal history that could not be approved administratively. Ms. Wright is requesting to be granted a license under NRS 640C.700.

Ms. Wright was present, Kirk Kennedy, legal counsel for Ms. Wright.

Motioned by Diane Huleva move to table until February 7, 2018 meeting, seconded by Deirdre Strunk. Teresa Lopez opposes. Motion carries.

d. Review Application of Xiangxia Wang (For Discussion and Possible Action)

Xiangxia Wang was not present.

Sandy Anderson, Executive Assistant - Ms. Wang's application is before you today due to potential criminal history that could not be approved administratively. Ms. Wang is requesting to be granted a license under NRS 640C.700.

Motioned by Elisabeth Barnard to deny this application, seconded by Deirdre Strunk. Motion carries unanimously.

13. Termination of Probation (For Discussion and Possible Action)

a. Celso O. Favela NVMT #8171 (For Discussion and Possible Action)

Sandy Anderson, Executive Director - Mr. Favela came before the Board on August 26, 2016. Mr. Favela was granted a probation license for 2 years with the following conditions: 1, 4, 6, 9, 12, 13, 14, 15, and 16. Mr. Favela is requesting early termination of probation. It is my recommendation to terminate probation.

Celso O. Favela was present.

Motioned by Diane Huleva to grant early termination of probation, seconded by Deirdre Strunk. Motion carries unanimously.

14. Discussion and possible action regarding financial reports and budgetary approvals (For Discussion and Possible Action)

a. 2017 Budget vs. Actual Expenses (For Discussion)

Executive Director Sandy Anderson explained the year end numbers and the increase in the reserve account.

b. 2018 Budget Review (For Discussion and Possible Action)

c. 42nd Annual FARB Forum in Coronado, California January 25th through 28th

The importance of education for the Board members and staff was discussed. The FARB Forum provides an excellent opportunity for Board members to receive training on current issues and federal regulations.

Motioned by Elizabeth Barnard to approve 6 board members to attend FARB in January of 2018, seconded by Gayle Ferruccio. Motion carries unanimously.

15. Discuss, amend and approve Board meeting minutes. (For Discussion and Possible Action)

a. July 12, 2017

b. August 16, 2017

Motion by Elisabeth Barnard to approve July 12 and August 16 of 2017 meeting minutes, seconded by Deirdre Strunk. Motion carries unanimously.

16. Inspection Team Report (For Discussion)

Investigator Brunner provided information to the Board regarding her experience in the field in Las Vegas over the past few months. She shared the similarities statewide with the inspection process and the ability of inspectors in the southern part of the state to address many locations in a single day.

17. Discussion, review and possible action to adopt a regulation requiring licensees to complete and pass a questionnaire for the renewal of their licenses that would include 10 questions regarding the NRS and NAC for which the Board would provide 1 hour of continuing education. (For Discussion and Possible Action)

Items 17, 18, and 19 were combined for discussion.

Motioned by Elisabeth Barnard to approve a workshop for regulatory changes to be held on December 13, 2017, seconded by Deirdre Strunk. Diane Huleva and Teresa Lopez were not in attendance. Motion carries.

18. Discussion and possible action regarding drafting a regulation setting forth additional fines and the standards for issuing those fines for a licensee who has been determined by the Board to have engaged in sexual activity as required by NRS 640C.712 and directing staff to hold a workshop. (For Discussion and Possible Action)
19. Discussion of possible proposed regulatory changes to NAC 640C, regarding structural integrationists and reflexologists, reflexology establishments, structural integration establishments, approval of schools for licensing as a structural integration practitioner and reflexologists and other regulations to carry out AB179 of the 2017 Legislative Session and directing staff to hold a workshop. (For Discussion and Possible Action).
20. Approval of applications approved and authorized by the Chairperson. (For Possible Action)

Motioned by Elisabeth Barnard to approve 225 licenses approved by Chairperson, seconded by Deirdre Strunk. Motion carries unanimously.

21. Public Comment

No public comment

22. Adjournment no later than 4:30 PM (For Possible Action)

Motioned by Elisabeth Barnard to adjourn, seconded by Deirdre Strunk. Motion carries unanimously.

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific Agenda Items. The Board may discuss the matters not on the Agenda, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide Public Comment, please avoid repetition and limit your comments to no more than three (3) minutes.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider Public Comment.

Supporting material for this meeting may be requested from Sandy Anderson at 775.687.9955 (sjanderson@lmt.nv.gov) and is available at the Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, Nevada 89502.

In accordance with NRS 241.020, this public notice and agenda was posted on or before October 18, 2017, on the Nevada State Board of Massage Therapists website, <http://massagetherapy.nv.gov>, the State of Nevada's Public Notice Website, <https://notice.nv.gov>, and at the following locations:

Nevada State Board of Massage Therapists
1755 E. Plumb Lane, Suite 252
Reno, NV 89502

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, NV 89101

Nevada State Library
100 South Stewart Street
Carson City, NV 89701

Nevada Attorney General's Office
100 N. Carson Street
Carson City, NV 89701
