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January 7, 2020

Via: E-mail and US Mail

Nevada State Board of Massage Therapy
ATTN Tereza Vanhorn
1755 E. Plumb Lane, Suite 252
Reno, NV 89502
tvanhorn@lmt.nv.gov

Re: Letter for Reconsideration
My Client: Chien Yu Chen
Case No. NVMT-C-1921

Dear Nevada State Board of Massage Therapy:

This letter will serve as a formal request for Reconsideration of Ms. Chen's Voluntary Surrender in Lieu of Other Discipline, which was signed on October 29, 2019 by my client. The Voluntary Surrender was signed by the board on October 30, 2019.

Ms. Chen was not aware of, nor understood the effects the provisions that were set forth in the Voluntary Surrender would have. My client was born in Taiwan and her native language is Mandarin. Her attorney at the time, Kirk Kennedy, Esq. never had a Mandarin interpreter nor did he properly explain the consequences of the Voluntary Surrender, especially provisions pertaining to waiving all her rights and making the information public. As such, she is requesting a reconsideration of her Voluntary Surrender. Thank you for your review of this request.

NSBMT

JAN 09 2020

RECEIVED

Very Truly Yours,

Francis Arenas, Esq.
Lin Law Group

1 BEFORE THE NEVADA STATE BOARD OF
2 MASSAGE THERAPY

3 In the Matter of:

Case No. NVMT-C-1921

4 Chien Yu Chen,

**COMPLAINT AND
NOTICE OF HEARING**

5 Licensed Massage Therapist
6 Nevada License No. NVMT.7145,

7 Respondent.

8
9 The Nevada State Board of Massage Therapy (Board), by and through its Executive Director
10 Sandra Anderson, hereby notifies Chien Yu Chen (“Respondent”) of an administrative hearing,
11 which is to be held pursuant to Chapters 233B, 622, 622A of the Nevada Revised Statutes (NRS) and
12 640C of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC). The
13 purpose of the hearing is to consider the allegations stated below and to determine if the Respondent
14 should be subject to an administrative penalty as set forth in NRS 640C.710, if the stated allegations
15 are proven at the hearing by the evidence presented.

16 Respondent is currently and at all times mentioned herein, licensed as a massage therapist in
17 the State of Nevada and is therefore, subject to the jurisdiction of the Board and the provisions of
18 NRS Chapter 640C.

19 IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

ALLEGED FACTS

- 20 1. On or about August 30, 2018, Clark County Business License agents conducted
21 undercover investigation at New Shang Hai Massage located at 4350 Spring Mountain
22 Rd., Las Vegas, Nevada 89102 wherein they encountered Respondent engaged in sexual
23 activity with a male patron during the course of practicing massage.
- 24 2. Interview with the male patron revealed that he paid \$70 for an “entry fee” and a
25 additional \$300 for sex.
- 26 3. Respondent was issued a citation for prostitution (misdemeanor citation #1-20606).

27 **VIOLATIONS OF LAW**

28 **COUNT ONE**

1 1. By engaging in sexual activity during the course of practicing a massage, Respondent
2 violated the provisions of NRS 640C.700(4). This is grounds for discipline pursuant to
3 NRS 640C.700(2) and/or (9).

4 **COUNT TWO**

5 2. By being convicted of prostitution, Respondent violated the provisions of NR
6 640C.700(3). This is grounds for discipline pursuant to NRS 640C.700(2) and/or (9).

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Executive Director, Sandra Anderson, prays as follows:

9
10 3. That the Board conduct a hearing on this complaint as provided by statute, and after such
11 hearing, that the Board impose upon Respondent the discipline permitted by NRS
12 640C.710, which may include the following, (a) the imposition of an administrative fine of
13 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs
14 incurred, (c) recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly
15 reprimanded, (e) suspend, revoke or place conditions on the licensee's license, (f) place the
16 licensee on probation, and/or (g) such other impositions as may be permitted by Nevada law.

17 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
18 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
19 622, 622A and 640C of the Nevada Revised Statutes.

20 THE HEARING WILL TAKE PLACE on **Wednesday, October 30, 2019, commencing at**
21 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter at the Legislative Counsel
22 Bureau, located at 401 S. Carson Street, Room 2135, Carson City, Nevada 89701, with video
23 conferencing to the Grant Sawyer Building, located at 555 E. Washington Ave., Room 4412, Las
24 Vegas, Nevada 89101.

25 PURSUANT TO NRS 622A.320, Respondent may, but is not required to, file an answer to
26 this Complaint with the Board.

27 PURSUANT TO NRS 622A.330, Respondent may seek limited discovery from the Board.

28 As the Respondents, you are specifically informed that you have the right to appear and be
heard in your defense, either personally or through counsel of your choice. You have the right to

1 respond and to present relevant evidence and argument on all issues involved. You have the right to
2 call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter
3 relevant to the issues involved.

4 You have the right to request that the Board issue subpoenas to compel witnesses to testify
5 and/or evidence to be offered on your behalf. In making this request, you may be required to
6 demonstrate the relevancy of the witnesses' testimony and/or evidence.

7 The purpose of the hearing is to determine if the Respondent has violated the provisions of
8 Chapter 640C of NRS and if the allegations contained herein are substantially proven by the evidence
9 presented to further determine what administrative penalty is to be assessed against the Respondent
10 if any, pursuant to NRS 640C.710.

11 Should the Respondent fail to appear at the hearing, a decision may still be reached by the
12 Board. As the Respondent, you are further advised that you may be charged with the attorney's fee
13 and/or costs associated with the hearing pursuant to NRS 622.400.

14 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation
15 agreed settlement, consent order, or default. Any attempt to negotiate this case should be made by
16 contacting Sandra Anderson, (775) 687-9951 or sjanderson@lmt.nv.gov.

17 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Massage Therapy may, without
18 further notice, take administrative action against your license and/or certificate to practice within the
19 State of Nevada if the Board determines that such administrative action is warranted after considering
20 your character, alleged misconduct, professional competence, or physical or mental health.

21 Dated this 10th day of September 2019.

22 **NEVADA STATE BOARD OF MASSAGE THERAPY**

23 
24 _____
25 SANDRA ANDERSON, Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 25, 2019, I deposited for mailing at Reno, Nevada, via Certified U.S. Mail, with return receipt and postage prepaid, a true and correct copy of the foregoing COMPLAINT AND NOTICE OF HEARING, properly addressed as follows:

Chien Yu Chen
4325 El Conlon Avenue
Las Vegas, NV 89102

91 7199 9991 7039 9416 3569

NEVADA STATE BOARD OF MASSAGE THERAPY

[Handwritten Signature]
Employee

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