



BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Kendal L. Priestly,

Licensed Massage Therapist
Nevada License No. NVMT.10263,

Respondent.

Case No. NVMT-S-2041

**COMPLAINT AND
NOTICE OF HEARING**

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

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

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

ALLEGED FACTS

1. On or about January 8, 2020, Respondent’s application to practice massage therapy was reviewed before the Board at a properly noticed board meeting. Respondent was granted a license to practice massage therapy with the condition of being placed on probation for two (2) years.
2. On or about January 21, 2020, the Board issued the Order of Probation which included the following conditions, among other conditions:
 - a. Attend probation orientation;
 - b. Submit to a background check within one year of the date of the Order and within two years of the date of the Order at Respondent’s expense;

- 1 c. Refrain from providing outcall services¹;
- 2 d. Report all contact with law enforcement personnel within forty-eight (48) hours
- 3 after such contact occurs;
- 4 e. Notify the Board of any changes of employment within 15 days;
- 5 f. Provide any changes in address or phone numbers to the Board office within 15
- 6 days; and,
- 7 g. Submit to random drug tests at Respondent's expense.
- 8 3. On or about September 12, 2020, Respondent submitted to a random drug test that resulted
- 9 in positive analysis for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 10 METABOLITES.

11 **VIOLATIONS OF LAW**

12 **COUNT ONE**

- 13 4. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 14 METABOLITES from her drug test, Respondent violated the provisions of NRS
- 15 640C.700(13) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

16 **COUNT TWO**

- 17 5. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 18 METABOLITES from her drug test, Respondent violated the provisions of NRS
- 19 640C.700(5) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

20 **PRAYER FOR RELIEF**

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

- 22 6. That the Board conduct a hearing on this complaint as provided by statute, and after such
- 23 hearing, that the Board impose upon Respondent the discipline permitted by NRS 640C.710,
- 24 which may include the following, (a) the imposition of an administrative fine of not more than
- 25 \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs incurred, (c)
- 26 recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly reprimanded, (e)
- 27 suspend, revoke or place conditions on the licensee's license, (f) place the licensee on

28 ¹ This restriction came before the Board at the August 19, 2020 wherein the Board voted to remove this restriction from her probation.

1 probaton, and/or (g) such other impositions as may be permitted by Nevada law.

2
3 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
4 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
5 622, 622A and 640C of the Nevada Revised Statutes.

6 THE HEARING WILL TAKE PLACE:

7 **Wednesday, November 4, 2020, commencing at 9:00 a.m.**

8 Zoom sign-in available at 8:30 a.m.

9 Register in advance for this meeting:

<https://zoom.us/j/99858062211?pwd=ZUxVN3JKaGZwVXo4M2VkMzZFakdlZz09>

10 Meeting ID: 998 5806 2211

11 Password: 859088

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

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

15 As the Respondents, you are specifically informed that you have the right to appear and be
16 heard in your defense, either personally or through counsel of your choice. You have the right to
17 respond and to present relevant evidence and argument on all issues involved. You have the right to
18 call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter
19 relevant to the issues involved.

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

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

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

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

4 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Massage Therapy may, without
5 further notice, take administrative action against your license and/or certificate to practice within the
6 State of Nevada if the Board determines that such administrative action is warranted after considering
7 your character, alleged conduct, Professional competence, or physical or mental health.

8 Dated this 3 day of _____, 2020.

9 **NEVADA STATE BOARD OF MASSAGE THERAPY**

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12 SANDRA ANDERSON, Executive Director
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2020, 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:

Kendal L. Priestly
7512 Bavaria St. Apt 101
Las Vegas, NV 89128

9489 0090 0027 6226 7362 48

NEVADA STATE BOARD OF MASSAGE THERAPY



Employee