

BEFORE THE NEVADA STATE BOARD OF  
MASSAGE THERAPY

In the Matter of:  
Davey D. Garrett,  
Licensed Massage Therapist  
Nevada License No. NVMT.9795,  
Respondent.

Case No. NVMT-C-2051  
**COMPLAINT AND  
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Davey D. Garrett (“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 23, 2019, Respondent appeared before the Board for regarding his license application that by Board policy, could not be administratively approved.
2. The Board approved a two-year probationary license with restrictions that included no outcall services and that he must be “employed by an employer.”
3. That since January 2020, Respondent has practicing massage therapy while not being employed by an employer, but under the business name “A Touch Above.”
4. That since January 2020, Respondent has been advertising outcall services.
5. That A Touch Above is not a registered massage establishment with the Board, and A Touch Above is not registered with Business Licensing.

1 **VIOLATIONS OF LAW**

2 **COUNT ONE**

3 6. By practicing outcall services, Respondent has not complied with the terms of his  
4 probation, and therefore, Respondent violated the provision of NRS 640C.700(9) and/or  
5 (13). This is grounds for discipline pursuant to NRS 640C.700(2).

6 **COUNT TWO**

7 7. By practicing massage therapy without being employed by an employer, Respondent  
8 violated the provision of NRS 640C.700(9) and/or (13). This is grounds for discipline  
9 pursuant to NRS 640C.700(2).

10 **PRAAYER FOR RELIEF**

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

12 8. That the Board conduct a hearing on this complaint as provided by statute, and after such  
13 hearing, that the Board impose upon Respondent the discipline permitted by NRS  
14 640C.710, which may include the following, (a) the imposition of an administrative fine of  
15 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs  
16 incurred, (c) recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly  
17 reprimanded, (e) suspend, revoke or place conditions on the licensee's license, (f) place the  
18 licensee on probation, and/or (g) such other impositions as may be permitted by Nevada law.  
19

20 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this  
21 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,  
22 622, 622A and 640C of the Nevada Revised Statutes.

23 THE HEARING WILL TAKE PLACE:

24 **Wednesday, March 31, 2021, commencing at 9:00 a.m.**  
25 Zoom sign-in available at 8:30 a.m.  
26 Register in advance for this meeting:

27 <https://zoom.us/j/95421402454?pwd=VlorZ1ZlaEhaWStWcysOUkEzZGRMUT09>

28 Meeting ID: 954 2140 2454  
Password: 855165

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

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

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

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

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


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



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

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

26 Dated this 16 day of March, 2021.

27 **NEVADA STATE BOARD OF MASSAGE THERAPY**

28   
SANDRA ANDERSON, Executive Director

<p>Nevada State Board of Massage Therapy 1755 E Plumb Ln Ste 252 Reno, NV 895023656</p>	<p>Brought to you by: <b>Reno/Carson Messenger Service Inc</b></p>  <p>(775) 322-2424 Server: CHRISTOPHER MICHAEL SARTIN</p>
 <p>GPS: 36.0767978;-115.0761514</p>	<p>CASE NUMBER: <b>NVMT-C-2051</b></p>
<p><b>SUMMARY OF SERVICE</b></p>	<p>Reference No.: <b>NVMT-C-2051</b>      <b>JOB COMPLETE</b> R117407</p>

DOCUMENTS SERVED: COMPLAINT AND NOTICE OF HEARING;;

PARTY SERVED: Davey D. Garrett

BY LEAVING WITH: Davey Garrett ,

PHYSICAL DESCRIPTION: Age: 46 - 50      Weight: 241-260 Lbs      Hair: Black  
Sex: Male      Height: 6'1 - 6'6      Race: African American

DATE & TIME OF SERVICE: 3/19/2021  
12:50 PM

ADDRESS, CITY, AND STATE: 2096 Ramrod Ave Unit 821  
Henderson, NV 890142327

**COMPLETED BY**      **CHRISTOPHER MICHAEL SARTIN** reg#: R-096440  
Server Notes/Diligence:

Attempted at 2096 Ramrod Ave Unit 821 Henderson, NV 89014-2327 On 3/16/2021 at 6:24 PM  
Results: Attempted: No answer at the door, No movement from inside, no noise inside.

**SUMMARY OF SERVICE**  
**NVMT-C-2051**