

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Arnel C. Tomas,

Licensed Massage Therapist
Nevada License No. NVMT.8186,

Respondent.

Case No. NVMT-C-1882

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Arnel C. Tomas (“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 October 19, 2018, Respondent was charged in Washoe County Justice Court with three counts of Sexual assault, *felony*; three counts of Open or gross lewdness, *Gross Misdemeanor*; and one count of indecent or obscene exposure, *Gross Misdemeanor*. All charges stemmed from Respondent practicing massage therapy.
2. On or about January 10, 2020, Respondent was charged with a third amended criminal complaint in Washoe County Justice Court with two counts of Sexual assault, *felony*; three counts of Open or gross lewdness, *Gross Misdemeanor*; and two count of indecent or obscene exposure, *Gross Misdemeanor*. All charges stemmed from Respondent practicing massage therapy.

1 3. On or about September 9, 2021, Respondent pled nolo to all three counts of Open or gross
2 lewdness.

3 **VIOLATIONS OF LAW**

4 **COUNT ONE**

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

8 **COUNT TWO**

9 5. By being convicted of a crime involving sexual offenses, Respondent violated NRS
10 700(3) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

11 **PRAYER FOR RELIEF**

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

13 6. That the Board conduct a hearing on this complaint as provided by statute, and after such
14 hearing, that the Board impose upon Respondent the discipline permitted by NRS
15 640C.710, which may include the following, (a) the imposition of an administrative fine of
16 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs
17 incurred, (c) recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly
18 reprimanded, (e) suspend, revoke or place conditions on the licensee's license, (f) place the
19 licensee on probation, and/or (g) such other impositions as may be permitted by Nevada law.
20

21 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
22 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
23 622, 622A and 640C of the Nevada Revised Statutes.

24 THE HEARING WILL TAKE PLACE on **Wednesday, June 8, 2022, commencing at 9:00**
25 **a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing by Zoom.

26 Zoom sign-in available at 8:30 a.m.
27 Register in advance for this meeting:

28 <https://us06web.zoom.us/j/86823524551?pwd=ZkJLeWhDRWs0QWNYSWZvRm5tY0w5dz09>

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

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

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

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

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

Should the Respondent fail to appear at the hearing, a decision may still be reached by the 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.

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

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

Dated this 4th day of May, 2022.

NEVADA STATE BOARD OF MASSAGE THERAPY


SANDRA ANDERSON, Executive Director

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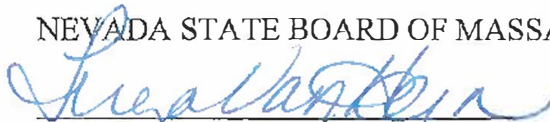
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 4, 2022, 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:

Arnel C. Tomas
400 Pesaro Way
Reno, NV 89521

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NEVADA STATE BOARD OF MASSAGE THERAPY


Employee