



Nevada State Board of Massage Therapy

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Reno, NV 89502

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Email: nvmassagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

April 11, 2022

Hongyan Chen
16060 Apricot Ave.
Chino, CA 91708

RE: March 30, 2022, Hearing

Dear Ms. Chen:

As a result of the hearing held on March 30, 2022, your massage therapy license bearing the number NVMT.9946 has been revoked for ten (10) years.

The Board found you guilty of NRS.640C.700(4)(9).

Enclosed you will locate the order regarding your case.

Please return all three portions of your license including the blue laminated one, bearing the number NVMT.9946 as soon as possible.

If you have any questions, please contact our office via email at nvmassagebd@lmt.nv.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tereza Horn".

Tereza Horn
Executive Assistant
NSBMT

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:
Hongyan Chen,
Licensed Massage Therapist
Nevada License No. NVMT.9946,
Respondent.

Case No. NVMT-C-21073

ORDER

WHEREAS on Wednesday, March 30, 2022, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed February 28, 2022, having come before the Nevada State Board of Massage Therapy (Board), and the Board being fully apprised in the premises and good cause appearing,

I.

INTRODUCTION

1. Board members present were Elisabeth Barnard, Chair; Dierdre Strunk, Vice-Chair; Richard Fields, Secretary/Treasurer; Bianca Smith; Lorna Benedict; John Teng; Rebecca Dorangricchia; and Stephanie Tsanas. The Las Vegas Metropolitan Police Department (“LVMPD”) Advisory Member, Sergeant Price, was also present.
2. Sophia G. Long, Senior Deputy Attorney General, was present and appeared as prosecutor for the Board. Colleen Platt from the Platt Law Group, was present and appeared as counsel for the Board.
3. Hongyan Chen (“Respondent”), was not present.

Exhibits

4. Complaint and Notice of Hearing. (Exhibit 1)
5. LVMPD arrest and Investigation Report. (Exhibit 2).

Witnesses

6. Tereza Van Horn

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II.

JURISDICTION

7. 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.

III.

FINDINGS OF FACT

8. The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality of evidence sufficient to meet the preponderance of the evidence standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).

9. Via Complaint and Notice of Hearing dated February 2, 2022, Respondent was notified of the administrative hearing scheduled for Wednesday, March 30, 2022. (Exhibit 1)

10. The Complaint and Notice of Hearing included a certificate of service signed by Board staff Tereza Van Horn, that she certified mailed and regular mailed a copy of the Complaint and Notice to Respondent's address.

11. Ms. Van Horn testified that she served Respondent at his address on file with the Board and that a continuance has not been requested in this matter.

12. Following this testimony, the Board found pursuant to NRS 622A.350(1), that notice of the scheduled hearing was properly served on Respondent, and that Respondent did not request a continuance and that Respondent failed to appear at this scheduled hearing.

13. Pursuant to NRS 622A.350(1), the Board proceeded to consider this matter without the participation of Respondent.

14. Senior Deputy Attorney General, Sophia G. Long provided the following:

a. Pursuant to NRS 622A.350(2), the Board may accept the allegations against the licensee in the charging document as true.

b. The allegations in the charging document were read into the record. Specifically that, "On or about October 20, 2021, Respondent, while working at S&R Spa located at 2550 S. Rainbow Blvd., Las Vegas, Nevada 89146, was arrested for soliciting

1 sexual activity to undercover police officer during the course of practicing
2 massage.”

3 15. The Board reviewed the LVMPD arrest and Investigation Report in this matter. (Exhibit 2

4 16. Any of the Findings of Fact that are or can be construed as Conclusions of Law is hereby
5 incorporated as such to the extent as if originally so designated.

6 **IV.**

7 **CONCLUSIONS OF LAW**

8 17. Having made the aforementioned findings, the Board decides that there is sufficient quantity
9 and/or quality of evidence sufficient to meet the preponderance of the evidence standard of
10 proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of*
11 *Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014) to make the following conclusions of
12 law:

13 18. Pursuant to NRS 622A.350, Respondent was given sufficient legal notice of the scheduled
14 hearing and that Respondent failed to appear and did not request a continuance.

15 19. By touching soliciting sexual activity during the course of a massage, Respondent violated
16 the provisions of NRC 640C.700(4) and NRS 640C.700(9).

17 20. Any Conclusions of Law that are or can be construed as Findings of Fact is hereby
18 incorporated as such to the extent as if originally so designated.

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27 **V.**

1 **ORDER**

2 Having found by preponderance of the evidence the Findings of Fact and Conclusion of Law set forth
3 herein and having unanimously voted, **THE BOARD HEREBY ORDERS:**


- 4 1. Pursuant to NRS 640C.710, Respondent's license is REVOKED for a period of ten (10)
5 years.

6
7 Dated this 10th day of ~~March~~ April, 2022.

8
9 **NEVADA STATE BOARD OF MASSAGE THERAPY**

10 
11 _____
12 ELISABETH BARNARD, Chair

13 Submitted by:
14 AARON D. FORD
15 Nevada Attorney General's Office

16 
17 _____
18 Sophia G. Long
19 Senior Deputy Attorney General
20 555 E. Washington Ave, Suite 3900
21 Las Vegas, Nevada 89101

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Formal Hearing Hongyan Chen License Number NVMT.9946 – Case Number NVMT-C-21073. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Hongyan Chen NVMT.9946 to the Board. Ms. Chen was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification. Ms. Long requested that the Chair accept Exhibit 1 be admitted into the record.

The Chair reminded Ms. VanHorn that she was under oath. Ms. VanHorn provided testimony that Ms. Chen was provided sufficient legal notice per NRS 622A.350 and was served notice at the address that was on file with the Board.

Motioned by Chair Barnard that Ms. Chen had been properly noticed, seconded by Bianca Smith. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding sexual misconduct. Ms. Long requested that exhibit 2 be submitted into evidence. Chair Barnard accepted the exhibits.

Motioned by Chair Barnard to accept the alleged facts as true and that the violation of law count 1 did occur, seconded by Richard Fields. Motion carried unanimously.

Motioned by Chair Barnard to revoke for ten (10) years, seconded by Bianca Smith. Motion carried unanimously.

[REDACTED]

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:
Hongyan Chen,
Licensed Massage Therapist
Nevada License No. NVMT.9946,
Respondent.

Case No. NVMT-C-21073

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Hongyan Chen (“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 20, 2021, Respondent, while working at S&R Spa located at 2550 S Rainbow Blvd., Las Vegas, Nevada 89146, was arrested for soliciting sexual activity to undercover police officer during the course of practicing massage.

VIOLATIONS OF LAW

COUNT ONE

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

1 **PRAYER FOR RELIEF**

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

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

11 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
12 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B
13 622, 622A and 640C of the Nevada Revised Statutes.

14 THE HEARING WILL TAKE PLACE on **Wednesday, March 30, 2022, commencing a**
15 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing b
16 Zoom.

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

19 <https://us06web.zoom.us/j/84202990113?pwd=ZDM2c25scnhBbmRydjR1S1hwS2d1QT09>

20 Meeting ID: 842 0299 0113

21 Password: 993954

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

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

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

1 You have the right to request that the Board issue subpoenas to compel witnesses to testi
2 and/or evidence to be offered on your behalf. In making this request, you may be required t
3 demonstrate the relevancy of the witnesses' testimony and/or evidence.

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

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

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

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

18 Dated this 2 day of February, 2022.

19 **NEVADA STATE BOARD OF MASSAGE THERAPY**

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21 SANDRA ANDERSON, Executive Director

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 28, 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:

Hongyan Chen
16060 Apricot Avenue
Chino, CA 91708

NEVADA STATE BOARD OF MASSAGE THERAPY

Employee

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