### **NEVADA STATE BOARD OF MASSAGE THERAPY**

### **AGENDA ACTION SHEET**

**TITLE:** Background Review (Criminal History)

MEETING DATE: January 12, 2022

**APPLICANT:** Joseph M. Pereira **REVIEW UNDER:** NRS 640C.700

### **BACKGROUND INFORMATION:**

ACTION

Mr. Pereira is requesting a background review based on NRS. 622.085. Mr. Pereira was arrested on March 26, 1998 for OUI by Middleborough Police Department; July 29, 2005 for OUI by Raynham Police Department. Mr. Pereira references an arrest from 11 years ago, where he served 6 months in jail while awaiting trial for assault and battery with a deadly weapon. This arrest is not reflected on his arrest jacket for FBI or Nevada that was received on 11/22/2021.

AC	ZIION.
	Preliminarily approved pending background investigation at time of licensure
	Preliminarily denied based on NRS 640C.700(6) and/or (9)

Board Meeting Application review: Joseph M. Pereira

03/26/1998: Arrested by Middleborough Police Department for OUI — Liquor, 2nd offense.

Received written statement from Mr. Pereira. Documents from Court/PD are included in packet.

07/29/2005: Arrested by Raynham Police Department for OUI – Liquor OR 0.08%, 3<sup>rd</sup> offense.

Received written statement from Mr. Pereira. Documents from Court are included in packet.

Mr. Pereira references an arrest from 11 years ago where he served 6 months in jail while awaiting trial for assault and battery with a deadly weapon. This arrest is not on his arrest jacket for FBI or Nevada that was received on 11/22/2021.

Prepared by Tereza Van Horn, Executive Assistant

**NSBMT** 

OCT 1 3 2021



Dear Executive Director, Sandy Anderson.

The reason I am writing to you today is because I want to enroll in the Aveda Institute in Las Vegas for a course in the study of Massage Therapy. I have a dream, and it is to help people. My dream is to help people who suffer from pain. I understand the draw backs that pain can put on a person's life. I would also like to soothe people who have aches and pains from the normal wear and tear that life has offered. I have recovered from open Heart surgery just five years ago, and I am a Diabetic with Neuropathy in my feet. I had suffered so severely a year ago from Neuropathy that I could barely walk even 50feet without tremendous pain. I am now nearly cured almost completely pain free, and off pain the medication (3600MG Gabapentin). That is why I have a goal, and it is to help people with pain. It can have a horrible effect on a person's life.

I am a convicted Felon. I was in an failing relationship about eleven years ago. I had apartment, so I ask her to move in and after about three months we were not getting along that well. So, I asked her to leave. We were not compatible so I then told her that we should breakup. The problem was she would not leave. I did not know what to do so, I called her mother to come and get her, but her mother would not listen she seemed to be grateful to be rid of her. My situation seemed so hopeless. I would never hurt a woman. We would constantly argue, and I was basically arguing with myself. I am not perfect person by any means, but I just wanted the relationship to end. I cannot deny that I was rude to her, but I just wanted her to leave. I would go to work my friends and coworkers would fear that something bad was going to happen. I was just being naïve and unaware of what she was capable of doing. One day we were arguing, but it was no different than any other day. It was getting late, so I went to bed. I went to work, and it was just an ordinary day at work. I went home and was preparing supper She was not home yet. Then, there was a knock and two police detectives at my door asking odd question. The next thing I knew I was being arrested for assault and battery with a deadly weapon. I spent the night in jail and went to court the next morning. I was not sure what was even going on. Then, I was given an attorney and she explained what was happening. She explained at the beginning the seriousness of the matter. The accuser was in court, and she had accused me of beating her up. She had a cut above her eye and made claims that I had pushed her in to a door (assault and battery with a deadly weapon). I never laid a hand on this person. I am from Massachusetts, and they have what they call a dangerous hearing. If proven dangerous they can hold you without bail for as long as they want. After almost Six months in jail, my case just kept being continued. I pled guilty. I felt that I had no other choice to get out of jail. I got out with time served and two years probation. What have I learned from this? Well, I had to realize that life is not perfect. If this were ever to happen again, I would just leave and call the police. I had to take away the blame game. (Blaming is just not healthy) I had to learn to forgive so, I could move forward. We have the best judicial system in the world, and it is not perfect, but it is the best system. I also know that there is always someone who is less fortunate than ourselves. There are people who have been in jail for 30 years and are innocent.

My plan now is to help people who are in pain, and to help people in general.

My final Court order to serve 2yrs.Probation with time served Probation ended 08/30/13

Due to a Felony charge that I plead guilty to about 11 years ago, I needed to include an explanation this letter.

I am having a difficult time with this because I do not know how much I should include in this letter. I do understand that I need to explain how I have changed and the remorse that I have towards these crimes since I have been accused, but I know what happened. The reasons why I can be trusted. I have learned to be more empathetic towards all situations. I have an understanding that there is always someone less fortunate than ourselves and to not dwell on poor me. I am not sure how much detail that I am required to include of my charges. I have included the information as I have remembered it.

My dilemma: I felt like I should give an explanation about my side of the story, and what led to this event. I did not want to come across as if I am placing blame or making excuses. There was circumstances that I felt should be mentioned. I felt that it was my home and did not even think I had to leave. What I have learned to leave and let the authorities handle the situation. I am remorseful and sorry for my mistakes and leave it at that? This incident is the only criminal history that I have and it was almost 11 years ago. I have not committed any crimes at all since this crime or even before. I have not even had a speeding ticket since that time.

My accomplishments in the last five years:

- •a I survived open heart surgery and today have no restrictions. 10/13/2016 and 6months later anklea surgery in August.a
- •a I went back to school and got my GED. 08/17/2017 while on crutches 6months.a
- •a I started first year of college and completed two years so far, and about 15credits away from mya Associates degree. 09/06/2017 And I was homeless second semester my first year.a
- •a I have almost beat severe Neuropathy in my feet and off Pain medication (3600MG Gabapentin).a
- •a I weighed 255lbs in December I entered a gym on 05/05/2021 Now as of 10/05/2021 weigh 210lbsa and have a tone body now 6months later.a
  - Covid-19 has <u>p</u>ut everything in reverse I understand that it has done this for everyone, But I cana do this.a

These accomplishments may be small to everyone else, but I will assure you there is nothing thata will stop me from succeeding.a



OCT 1 3 2021



Dear Executive Director, Sandy Anderson.

Members of the Nevada State Board of Massage Therapy I am very interested in receiving a Massage Therapy license. Where my dilemma is where to start? I have visited a school (Aveda Institute) in Las Vegas. I was very impressed with their program and would like to fellow up with them. I have spoken with a Laurie Goodwin she an Admission Advisor, and she had informed me of their program and gave me a tour. Laurie had given an information packet with some tasks to complete I was on my way. One of the tasks was to apply or ask for permission for admission from the board. I then went to the information that was provided and contacted the Nevada State Board of Cosmetology they have a process where you submit a letter and questionnaire online. I had then received a phone call from the Nevada State Board of Cosmetology they then stated that I was directed to the wrong Board, and they then directed me to the Nevada State Board of Massage Therapy. I then called the Nevada State Board of Massage Therapy and spoke with someone, and they informed me that I needed to complete the program and then apply for a Massage Therapy license. I then asked is that not like buying the cart before the horse and she replied yes. I understand that mistakes happen I am not here blame or complain but to point out a process that maybe could be a little less complicated. My story does not end there I then called Aveda Institute back after some missed calls and a couple of days I finally got threw and spoke with Kelsey she then informed me that I should talk to the director at Aveda however; she may have left for the day, but I could leave a voice mail so, I left her a voice mail then hung up. I received a text message about 20minutes later with your name and number there was no answer so please leave a message at the tone. The problem your voicemail it did not give you time to say my name before a recording state I did not get that please leave a message after 4-5 tries I gave up. I could not find any information related to my situation I seemed to be stuck in the twilight zone where do I go from here? Thank you for your help and guidance forward in advance.

**NSBMT** 

OCT 1 3 2021

**RECE VED** 

# Nevada Board of Massage Therapy

Invoice

1755 E. Plumb Lane, Suite 252 Reno, NV 89502

Date Invoice # 10/15/2021 1138

Phone # 775-687-9955

Bill To

Joseph M. Pereira

Terms Due Date

Net 15 10/30/2021

Description Amount

Background Investigation Fee 85.00

Only cashiers check or money order will be accepted.

**Total** \$85.00



## Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252 Reno, NV 89502 Phone (775) 687-9955 Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov Website: http://massagetherapy.nv.gov

November 24, 2021

Joseph M. Pereira

Re: DISPOSITION OF RECORD

Dear Mr. Pereira,

In order to complete your application and obtain your Nevada State Board of massage therapy license, we need to have the following documents to continue processing your application;

- 1.e A written narrative describing the incident(s), the circumstances that led up to the incident(s) and the outcome of the incident(s). Online printouts cannot be accepted.e
- 2.e Receipts for all fines or penalties showing that they have been paid. You will need to contact the court you attended or appeared at. Online printouts cannot be acceptede
- 3.e Dispositions from the court(s) you appeared at regarding the attached highlighted arrest dates.e
- 4.eYou must comply with Board Staff for all requested documents and the Board Staff will be making recommendations regarding your Application.e

Please mail or fax the above documents to our office for review. Emailed documents cannot be accepted. Your background check will expire on **05/31/2022**. Your massage license must be completed and issued by the above expiration date, or you will be required to fulfill another background check and be responsible for the additional \$85.00 fee.

If you have any questions regarding the attached criminal history, you can email us at nvmassagebd@lmt.nv.gov.

Sincerely,

Tereza Van Horn Executive Assistant

**Enclosed** 

COPY

Please Note: It is a misdemeanor to practice or advertise Massage Therapy without a current valid NSBMT Massage License.

Dear NVmassageBD,

Attn: Tereza Van Horn

Please accept the following documents I am currently working on the docket sheet for Case# MA0121700. Sorry for the delay on Docket # 9860CR0681A. I have contacted the Wareham Court clerk's office more than five times and their claim is to be understaffed for the delay. My hope is to get the Wareham Court clerk's office to Fax your office or Direct Mail sorry for the inconvenience. My intention was to mark the Fax to your attention however I did not so please watch for this Faxed document.

Thank you, Joseph M. Pereira

From: Joseph M. Pereira.

**NSBMT** 

DEC 0 # 2021

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### On the date of the offence on 07/29/2005 Docket # 0531CR02746 Arrest Case # MA0113700

I believe I was 42yrs. of age I was out drinking with friends at a bar I was in rough shape I justw found out my wife of 14yrs. we also had been in a relationship for 22yrs, and she had fallen inw love with someone else. I did not take it very well we had a child, and he was 15yrs, of agew know age is good for a child to go through divorce. I was drinking my sorrows away. I do notw have any excuse for my behavior however I was under extreme duress I believed that marriagew was forever, and I was proving wrong, it was not my proudest moment, but it did happen If Iw could take it back I would in a heartbeat. I got a ride home from a person that I knew from highw school we got into an accident, and he left the scene of the accident I was in the passenger seatw the police arrived they were trying to charge me with driving under the influence of alcohol orw drugs. I did not take any drugs I was just drinking. I was arrested but the charges were laterw dismissed. All fines were paid I had No probation this has been completed.w

Again, I totally used bad judgment and I accept full responsibility.w

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I would like to say thank you for hearing me today. My name is Joseph M. Pereira age is 58yrs.old and I have a goal, and it is to help people in general with a focus on people with pain. I have suffered with some sort of pain all my life. Please understand I do realize there are people who suffer worse pain than I have. With no outlet for help or affordable help. Five years ago I had heart surgery. So, I am a recovering open heart surgery patient (Currently with no restrictions) I have diabetes (Under Control) and I suffered from a severe case of Neuropathy in my feet. (Cured) I could barely walk a year ago. I eat right and exercise daily I have lost 55lbs and I am in fit condition. I have also received my GED and completed two yrs. of college all in the last five yrs. My goals run deep my accomplishment might not seem very big however they mean the world to me. I also have survived two Heart attacks. I mean know disrespect, but I will complete my goals with your help or without your help. I do have a resillency and I cannot quit, I would not be here if I chose to just lie down and go to sleep. I believe that I can be a great asset to the Massage Therapy Profession with a great and positive personality.

### Thank you, Joseph

Sorry for the delay on Docket # 9860CR0681A. I have contacted the Wareham Court clerk's office more than five times and their claim is to be understaffed for the delay. My hope is to get the Wareham Court clerk's office to Fax your office or Direct Mail sorry for the inconvenience.





## Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252 Reno, NV 89502 Phone (775) 687-9955 Fax (775) 786-4264

Email: <a href="mailto:nvmassagebd@lmt.nv.gov">nvmassagebd@lmt.nv.gov</a>
Website: <a href="mailto:http://massagetherapy.nv.gov">http://massagetherapy.nv.gov</a>

December 7, 2021

Joseph M. Pereira

Re: Notice of meeting of the Nevada State Board of Massage Therapy to consider your character, alleged misconduct, competence, or physical or mental health.

Dear Mr. Pereira:

In connection with your background review, the Nevada State Board of Massage Therapy (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting(s) on January 12, 2022. There will be no physical location for this meeting. Participants can join the meeting via Zoom. The meeting will begin at 9:00 a.m:

Zoom sign-in available at 8:30 a.m. Register in advance for both meetings:

https://us06web.zoom.us/i/86981107368?pwd=cVhxOFhuVGRNOTV3clhvTnRPOUZKdz09

Meeting ID: 869 8110 7368 Password: 627930

The meeting is a public meeting. You are not required to attend; however, attendance is recommended. Pursuant to NAC 640C.070 your completed investigation results may be discussed. You may choose to have an attorney or other representative of your choosing present during the meeting, present written evidence, provide testimony, present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health. Please be aware you are one of many agenda items, and the Board may take items out of order. The meeting may last until 4:30 p.m.

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting or open meeting, it may take administrative action against you at this meeting. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034. This notice is provided to you under NRS 241.033.

In the event you need an interpreter, please provide one at your own expense.

If you have any questions, please feel free to contact the office at (775) 687-9955.

Sincerely,

Executive Director

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