



Nevada State Board of Massage Therapy

MEETING MINTUES

LOCATIONS: This meeting of the Nevada State Board of Massage Therapy will take place online via Zoom and is available via telephone:

Virtual access available by registering for this meeting online:

<https://us06web.zoom.us/j/81208439763?pwd=VzJyeGF3c2w1V3lQb1hOMWo0ejNadz09>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID 812-0843 9763
Password 227133
SIP 81208439763@zoomcrc.com

Telephonic access to this meeting available by dial the number below based on the location closest to participant.

+1 669 900 6833 US (San Jose)
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+1 312 626 6799 US (Chicago)

DATES AND TIMES: **October 27, 2021, commencing at 9:00 a.m.**

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

AGENDA

Please Note: The Nevada State Board of Massage Therapy may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Sandy Anderson at 775.687.9951 (sjanderson@lmt.nv.gov), in advance, so that arrangements may be made. Public comment will be taken

at the beginning and the end of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

Public Comment Agenda Item: There is a time designated at the beginning of the meeting and the end of the meeting for Public Comment. Members of the general public may bring matters not appearing on this Agenda to the attention of the Board or make comment on specific agenda items. Public comment may also be taken at other such times as requested as long as the request for public comment will not interrupt ongoing Board business. The Board may discuss the matters not on the Agenda but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future Agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition. The Board reserves the right to limit public comment to three (3) minutes.

Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment (see NRS 233B.126). Please be aware that after the quasi-judicial Board has rendered a decision in the contested case and, assuming this happens before adjournment, the Board may entertain public comment on the proceeding at that time.

1. Call to order and roll call of Board Members.

The meeting was called to order at 9:03 a.m. on October 27, 2021, by Chair Elisabeth Barnard. Board members in attendance included Vice Chair Deirdre Strunk, Secretary/Treasurer Richard Fields, Lorna Benedict, Rebecca Dorangricchia, Karen Kramberg, Bianca Smith, Stephanie Tsanas, and Sgt. Marty with the Las Vegas Metropolitan Police Department. Additional attendees included Senior Deputy Attorney General Sophia Long, Deputy Attorney General Harry Ward, and Executive Director Sandy Anderson. Deirdre Strunk was absent from 12:45 p.m. to 1:12 p.m.

Executive Director Anderson shared that Board Member Plotnick resigned and thanked Ms. Plotnick for participating on the Board.

2. Mission Statement of the Nevada State Board of Massage Therapy – To protect the public health, safety, and welfare through effective massage therapy regulation. Insuring that qualified, competent, ethical practitioners are licensed.

Chair Barnard read the mission statement into the record.

3. Public comment – Members of the public who wish to participate in a public meeting may do so by providing public comment during the two designated public comment periods. Additionally, public comment options may include, without limitation, telephonic or email comment. Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting. The Board will not restrict comments based on viewpoint. The opportunity for public comment will be available at the beginning and ending of the meeting. (Discussion Only)

No public comment was provided.

The Executive Director advised the Board that no written public comments were submitted prior to the meeting.

4. Formal Hearing Carnell Upchurch NVMT.1508 – NVMT-C-1957. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long presented the case regarding Carnell Upchurch NVMT.1508 to the board. Mr. Upchurch was not present.

Ms. Long advised the board regarding NRS 622A.350 and the requirements for notification.

The Chair acknowledged that the certificate of service was a normal business record and that proper notice was given to this licensee.

Motioned by Bianca Smith that the Board accept that the complaint notice of hearing has been mailed and given that the Board has not received a response from Mr. Upchurch had been properly noticed, seconded by Karen Kramberg. Motion carried.

Ms. Long presented the Complaint Notice of Hearing regarding sexual misconduct. Ms. Long requested that the exhibits be submitted into evidence. Chair Barnard accepted the exhibits. The documents were uploaded for the Board members.

Motioned by Bianca Smith to accept the alleged facts as true and that the violations of law count 1 did occur, seconded by Lorna Benedict. Motion carried.

Motioned by Bianca Smith that there was a violation of law Count 1 and that the license be revoked for 10 years, seconded by Elisabeth Barnard. Vice Chair Strunk recommended a fine. Board member Smith amended her motion to add an administrative fine of \$5,000, seconded by Elisabeth Barnard. Motion carried.

5. Formal Hearing Mengyi T. Ernsberger NVMT.639 – NVMT-C-21028. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long requested to continue this item to the January meeting.

6. Formal Hearing Shufen Li NVMT.10637 – NVMT-C-21063. (For Discussion and Possible Action)

Senior Deputy Attorney General Sophia Long requested to continue this item to the January meeting.

7. Citation Appeal Hong Pang Cole. (For Discussion and Possible Action)

Citation Appeal was settled and agreed to by counsels prior to the meeting; therefore, item was removed from the agenda.

8. Request for Reconsideration Xiu Zhu Condello. (For Discussion and Possible Action)

The Board discussed the Request for Reconsideration of Ms. Condello's application.

Motioned by Karen Kramberg to reconsider the application of Xiu Zhu Condello, seconded by Deirdre Strunk. Bianca Smith opposed. Motion carried with one opposed.

9. Application Review. (The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person.) (For Possible Action)

a. Reconsideration Application Review Xiu Zhu Condello (For Discussion and Possible Action)

Ms. Condello was present with her husband Jason Condello.

The Executive Director presented the application of Xiu Zhu Condello to the Board. Ms. Condello's massage application is before you today for review that could not be approved administratively. Ms. Condello's application was previously before the Board on August 18, 2021 and denied. Ms. Condello was arrested on September 6, 2005, for prostitution by Redondo Beach Police Department (RBPD). Ms. Condello was the registered business owner at Just Relax Body Works in California and offered to perform a sexual act during the course of massage on an undercover officer that visited her establishment on two separate occasions. Ms. Condello does not hold a massage certificate in California. Ms. Condello failed to disclose her previous education and did not answer section 6 questions accurately. Ms. Condello is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Ms. Condello addressed the Board regarding the circumstances surrounding her employment as a massage therapist in the past and the arrest for prostitution.

Board Member Kramberg asked for additional information regarding the errors or omissions from the application regarding the arrest and prior education based on NRS 640C.700(1).

Mr. Condello shared that he completed the application for Ms. Condello.

Motioned by Bianca Smith to deny the application based on NRS 640C.700(1)(2)(4)(9), seconded by Richard Fields. Motion carried.

b. Review Application of Binzhi Chen. (For Discussion and Possible Action)

Binzi Chen was present with Jerry Xu as interpreter.

Investigator Brunner presented the application of Binzhi Chen to the Board. Ms. Chen's massage application is before you today for review that could not be approved administratively. Ms. Chen's application was previously before the Board on August 18, 2021 and continued at Ms. Chen's request. Ms. Chen failed to disclose her current Missouri license with disciplinary action and her previous education. Ms. Chen received her education from East-West Institute of Hand Therapy in California. East-West

Institute of Hand Therapy is not accepted by NSBMT, and NCBTMB revoked their assigned school code on April 25, 2011. Probation documents from Missouri are enclosed. Ms. Chen is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Jerry Xu read a letter from Binzi Chen which was included in the Board packet.

Senior Deputy Director Long advised Mr. Xu that he needed to translate in real time.

Motioned by Richard Fields to deny the application based on the conversation, seconded by Lorna Benedict. Board member Smith requested that the motion be amended to add based on NRS 640C.700(1)(2)(9). Mr. Fields and Ms Benedict agreed to the amendment. Motion carried.

- c. Review Application Amelia (Jiaduo) Yi Stogsdill. (For Discussion and Possible Action)

Investigator Brunner presented the application of Amelia (Jiaduo) Yi Stogdill to the Board. Ms. Yi Stogsdill's massage application is before you today for review that could not be approved administratively. Ms. Yi Stogsdill's application was previously before the Board on August 18, 2021 and continued at Ms. Stogsdill's request. Ms. Yi Stogsdill was arrested on December 23, 2015, for Massage Therapy License/Owner Violation by Corpus Christi Police Department (CCPD). Ms. Yi Stogsdill offered to perform massage on an undercover officer without having a massage license in Texas. Charges were dismissed after the completion of diversion. Ms. Yi Stogsdill does not hold a massage certificate in California or a license to practice in Texas. Ms. Yi Stogsdill failed to disclose previous education and a current Florida license to practice. Ms. Yi Stogsdill is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700

Motioned by Bianca Smith to deny based on NRS 640C.700(1)(2)(9), seconded by Stephanie Tsanas. Motion carried.

- d. Review Application Guifang Qin. (For Discussion and Possible Action)

Ms. Qin was present with Phillip Kong serving as a spokesperson/interpreter.

Investigator Brunner presented the application of Guifang Qin. Ms. Qin's massage application is before you today for review that could not be approved administratively. Ms. Qin was arrested on April 10, 2019 for a fugitive warrant or extraditable offense by San Luis Obispo Sheriff's Office. Ms. Qin had an outstanding balance of \$13,772.00 owed to Aria Casino for issuing two counterfeit or fraudulent checks in total of \$50,000.00. Arrest or charges were dismissed after final payment was paid on April 12, 2019. Ms. Qin is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Rick “What was she doing for a living that the casino would advance her \$50,000.00 in markers?” Mr. Kong explained she had the money with her from China. “That is a lot of money to extend credit too, without a job. How does she support herself?” Mr. Kong explained that Ms. Qin is a cleaner in California doing various jobs.

Motioned by Bianca Smith to deny based on NRS 640C.700(1)(2)(9), seconded by Lorna Benedict. Ms. Strunk was not present for the vote but rejoined the meeting at 1:12 p.m. Motion carried with no opposition.

- e. Review Application Christian U. Enriquez-Sanchez. (For Discussion and Possible Action)

Christian U. Enriquez-Sanchez was present.

Investigator Brunner presented the application of Christian U. Enriquez-Sanchez. Mr. Enriquez-Sanchez’s massage application is before you today for review that could not be approved administratively. Mr. Enriquez-Sanchez was arrested on April 4, 2014 for domestic battery and battery by Las Vegas Metropolitan Police Department (LVMPD). Mr. Enriquez-Sanchez is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to grant a probationary license for two (2) years with the following conditions: report all contact with law enforcement personnel within forty-eight (48) hours after such contact occurs and quarterly reports to the Executive Director, seconded by Richard Fields. Motion carried.

- f. Review Application Li-Ming Chen. (For Discussion and Possible Action)

Li-Ming Chen was present with Xenos Yuen serving as a spokesperson/interpreter.

Investigator Brunner presented the application of Li-Ming Chen. Ms. Chen’s massage application is before you today for review that could not be approved administratively. Ms. Chen received her education from World of Beauty Academy. World of Beauty Academy is approved with Florida Board of Massage for 500 hours. The school is not authorized to offer a 150-hour course of study separate from the 500 hours, nor a 650-hour course in total. Ms. Chen failed to disclose her current Florida massage license. Ms. Chen is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Stephanie Tsanas to deny based on NRS 640C.700(1)(2)(9), seconded by Karen Kramberg. Motion carried.

- g. Review Application Pik Yuk Li. (For Discussion and Possible Action)

Pik Yuk Li was present with interpreter Allison Jacobs.

Investigator Brunner presented the application of Pik Yuk Li. Ms. Li’s application is before you today due to potential criminal history that could not be approved administratively. Ms. Li was arrested in January of 2010 and April of 2011 for

solicitation or engaging in prostitution. Ms. Li was cited in February and March of 2010 for no massage licensed person on premises. Citations and arrests were given by Las Vegas Metropolitan Police Department (LVMPD). Ms. Li was cited by Colorado Massage Board for performing massage without having a Colorado massage license in February of 2017. Ms. Li attended East-West Institute of Hand Therapy in California in 2004 and Fuzuba in 2017. Ms. Li did not disclose East-West Institute of Hand Therapy on her application or her violation in Colorado. East-West Institute of Hand Therapy is not an approved program with CAMTC or NSBMT. Ms. Li was previously licensed in Nevada in January of 2007 through August of 2011. During this licensure period, in 2010 Ms. Li was given a 45-day suspension with fines/fees of \$2,500.00, and in 2011 she voluntarily surrendered her license. Ms. Li applied in 2017 and 2019 and both applications were denied. Ms. Li is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to deny based on NRS 640C.700(1)(2)(6)(9)(11), seconded by Deirdre Strunk. Motion carried with no opposition.

h. Review Application Bobi L. Ferguson. (For Discussion and Possible Action)

Bobi Ferguson was present.

Investigator Brunner presented the application of Bobi Ferguson. Ms. Ferguson's massage application is before you today for review that could not be approved administratively. Ms. Ferguson was arrested on July 14, 2009 for DUI by Riverside Sheriff's Office; July 18, 2010 for driving on a suspended license with an unrestrained child by San Bernardino Sheriff's office; October 15, 2011 for disorderly conduct by Riverside Sheriff's office; and March 11, 2015 for domestic battery and battery by Las Vegas Metropolitan Police Department (LVMPD). Ms. Ferguson is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Bianca Smith to grant a probationary license for three (3) years with the following conditions: report all contact with law enforcement personnel within forty-eight (48) hours after such contact occurs, report any changes of employment within five (5) business days, employer reports every six (6) months, and check in with the Executive Director quarterly, seconded by Lorna Benedict. Motion carried with none opposed.

i. Review Application Qian Zhu Xia. (For Discussion and Possible Action)

Qian Zhu Xia was present and represented by Travis Akin legal counsel. Interpretation services were provided by Wai May Borgel.

Inspector Brunner presented the application of Qian Zhu Xia. Ms. Xia's massage application is before you today for review that could not be approved administratively. Ms. Xia was arrested on February 7 and June 26, 2013 for prostitution and enter and remaining in a place for purpose of prostitution by Orange Co Sheriff's Office. Ms. Xia agreed to Nolle Prosequi in reference to February arrest. Arrest in June was later

dismissed. Ms. Xia is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Stephanie Tsanas probation for three (3) years with the following conditions: report all contact with law enforcement personnel within forty-eight (48) hours after such contact occurs, refrain from providing outcall services, submit employment offers to the staff of the Board for review and approval, submit to the Board a complete set of fingerprints bi-annually at licensee's expense and complete an ethics course of twenty-four (24) continuing education hours within ninety (90) calendar days of licensure, seconded by Deirdre Strunk. Bianca Smith opposed. Motion carried.

j. Review Application Selma Repic. (For Discussion and Possible Action)

Selma Repic was not present.

Investigator Brunner presented the application of Selma Repic. Ms. Repic's massage application is before you today for review that could not be approved administratively. Ms. Repic was arrested on August 28, 2010, for DUI by Hawthorne Police Department; January 23, 2016, for DUI; June 14, 2016, for Driving on a suspended license and December 12, 2016, for DUI by Los Angeles Sheriff's Office. Ms. Repic is requesting to be granted a license under NRS 640C.580 and is before you today for review under NRS 640C.700.

Motioned by Lorna Benedict to deny the application of Selma Repic based on NRS 640C.700(9), seconded by Bianca Smith. Motion carried.

Consent agenda items are shown in italics. The Consent Agenda contains matters of routine acceptance. The Board members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

10. *Consent Agenda Items – Board members may choose to request any item listed below be pulled for discussion and possible action. Any items not pulled may be approved in a single motion to approve the consent agenda excluding pulled items. (For Discussion and Possible Action)*
 - a. *Approval of applications approved and authorized by the Chairperson through September 30, 2021 (see Exhibit A). (For Possible Action)*
 - b. *Discussion and possible action regarding review and acceptance of the Fiscal Year 2022 Budget verses Actual through September 30, 2021. (For Possible Action)*
 - c. *Discuss, amend, and approve Board meeting minutes for August 17, 2021. (For Possible Action)*
 - d. *Discuss, amend, and approve Board meeting minutes for August 17, 2021, closed session item 14.e. (For Possible Action)*
 - e. *Discuss, amend, and approve Board meeting minutes for August 17, 2021, closed session item 14.f. (For Possible Action)*
 - f. *Discuss, amend, and approve Board meeting minutes for August 17, 2021, closed session item 14.h. (For Possible Action)*

- g. *Discuss, amend, and approve Board meeting minutes for September 16, 2021. (For Possible Action)*
- h. *Discuss, amend, and approve Board meeting minutes for September 27, 2021. (For Possible Action)*

Motioned by Bianca Smith to approve consent agenda items 10.a. through 10.h., seconded by Richard Fields. Motion carried unanimously.

- 11. Board Counsel report. (For Discussion and Possible Action)
 - a. General topics and training provided by Deputies Attorney General.
 - b. Update on Federation of Associations of Regulatory Boards – Regulatory Law Seminar
Executive Director Sandy Anderson shared information learned during the seminar.
- 12. Executive Director Report including but not limited to (For Discussion)
 - a. Strategic Plan Key Indicators
 - i. Licensure and renewals

The Executive Director shared that renewals remain stagnant; however, the Board received a steady flow of new applications.
 - ii. Inspection Team calendar year-to-date key indicators

The Executive Director shared that the Inspection Team continues to work on completing the establishment and outcall inspections. The team worked together with the assistance of the administrative staff to complete all the tasks and held a 4th quarter meeting to assess the status. Realistically with the number of licensees not responding, many of the letters and potential Complaint Notice of Hearing documents will be pushed out until calendar 2022.
 - iii. Complaints and investigations calendar year-to-date key indicators

The Executive Director shared that sixty-seven (67) investigations were closed as of October 5th and that multiple complaints pending the outcome of criminal cases remain open since some cases can take as many as three (3) years to work through the system.
- 13. Discussion and possible action regarding hiring outside legal counsel to assist Board staff with legal services contract. (For Discussion and Possible Action)

Motioned by Bianca Smith to contract with Platt Law Group to assist Board staff with legal services not to exceed \$50,000, seconded by Richard Fields. Motion carried.

14. Discussion and possible action regarding Federation of State Massage Therapy Boards (Federation) Regulatory Education and Competence Hub (REACH) presented by Lorena Haynes Government Relations with the Federation. (For Discussion and Possible Action)

Item was tabled to January.

15. Other topics

The Governor of the State of Nevada proclaimed Massage Therapy Awareness week in Nevada.

16. Discussion regarding recommended future agenda items. (For Discussion)

- a. Add an agenda item to January's meeting to discuss the discrepancies with transcripts issued by FuZuBa including potentially a letter to the Commission on Postsecondary Education (Commission) and requesting that the Executive Director from the Commission be in attendance at the January meeting.
- b. Add an agenda item about the compact.

17. Public comment.

None

18. Adjournment 3:31 p.m.

Notices:

Items may be combined for consideration by the board. Items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and at the end of the meeting. Regarding public comment, no vote may be taken upon a matter raised under this agenda item until the matter itself has been specifically included on a future agenda as an item upon which action may be taken. (NRS 241.020). The Chair may allow comment on individual agenda items at her discretion. Please limit public comments to three (3) minutes.

The Nevada State Board of Massage Therapy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting. Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than **Tuesday, October 26, 2021** to the following address: **Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502. Supporting materials are available on the Board's website http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/ or by contacting **Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov**. Documents provided to Board members during the meeting will be posted on the website after the meeting.**

Persons/facilities who want to be on the mailing list must submit a written request every six months to the Board. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sandy Anderson at 775.687.9951 or sjanderson@lmt.nv.gov no later than 48 hours prior to the meeting.

In accordance with NRS 241.020, this public notice and agenda was posted on or before October 22, 2021, at the following locations:

http://massagetherapy.nv.gov/About/Board_Meetings/Meetings/
<https://notice.nv.gov>

Nevada Attorney General – Carson City Office, 100 N. Carson St. Carson City, NV 89701

Nevada Attorney General – Las Vegas Office, 555 E. Washington Ave., Las Vegas, NV 89101

Nevada State Board of Massage Therapy, 1755 E. Plumb Lane, Suite 252, Reno, NV 89502

Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV 89701

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