

**KIRK T. KENNEDY**

**ATTORNEY AT LAW**

*Licensed in Nevada since 1993*

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July 29, 2022

Sandy Anderson  
Executive Director  
Nevada State Board of Massage Therapy  
1755 E. Plumb Lane, Ste. 252  
Reno, NV 89502

Re: Motion for Reconsideration- Matter of Hong Lu NVMT-C-22005  
Reflexology No. NVRF.0112

Dear Ms. Anderson:

On June 8, 2022, the complaint matter for Ms. Hong Lu was set for a formal hearing and the proceedings were all conducted by videoconference on that date. Ms. Lu's case was apparently called prior to her signing in online on the Agenda date. Given the calendar that day, Ms. Lu incorrectly guessed that her matter would probably be called in the afternoon. Apparently, as I am advised, the Board called the matter at a time before she had logged on to the Zoom call.

Given her absence at the time the case was called and her lack of representation, the Board proceeded with revocation proceedings which revoked her license for 10 years and imposed maximum fines totaling \$15,000. These maximum penalties were imposed against Ms. Lu by default, without any input from her or opportunity to explain the events alleged in the complaint.

I appreciate the Board's reluctance to consider motions of this type, however, it appears that my client did attempt to participate in the hearing on June 8, just not at the right time. By way of this letter, I am requesting the Board's cooperation to allow for the reconsideration of this matter and to allow for a new hearing on the allegations of the Board's complaint. My client has material and relevant evidence to present in her defense which addresses the concerns alleged against her in this matter.

Thank you in advance for your assistance.

Yours truly,

Kirk T. Kennedy, Esq.





## Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Reno Phone (775) 687-9955

Fax (775) 786-4264

Email: [nvmassagebd@lmt.nv.gov](mailto:nvmassagebd@lmt.nv.gov)

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

September 23, 2022

Hong Lu  
C/O Kirk T. Kennedy Attorney at Law  
815 S. Casino Center Blvd.  
Las Vegas, NV 89101

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

Dear Mr. Lu:

Pursuant to your request, the Board has agreed to reconsider your complaint NVMT-C-22005 heard on June 8, 2022, the Nevada State Board of Massage Therapy (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting on October 26, 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:

<https://us06web.zoom.us/j/89023133843?pwd=Mlp1SFYwT3FMdTIgSk93c0JlMHRHZz09>

Meeting ID: 890 2313 3843

Password: 649868

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 821 7385 3899

Passcode: 788395

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.

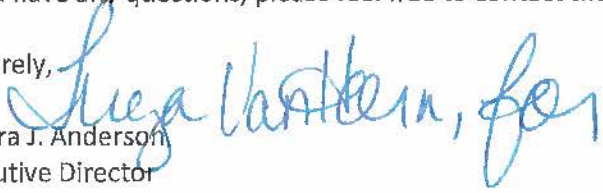
If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting or open meeting, it may take administrative action against you at this meeting. This informational statement is in lieu of any 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,

Sandra J. Anderson  
Executive Director



9489 0090 0027 6461 1327 68

BEFORE THE NEVADA STATE BOARD OF  
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-22005

Hong Lu,

**ORDER**

Licensed Reflexologist  
Nevada License No. NVRF.0112,

Respondent.

**WHEREAS** on Wednesday, June 8, 2022, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed May 4, 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; 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 Fink, was also present.
2. Sophia G. Long, Senior Deputy Attorney General, was present and appeared as prosecutor for the Board. Colleen Platt, Esq. from Platt Law Group, was present and appeared as counsel for the Board.
3. Hong Lu ("Respondent"), was not present.

Witnesses

4. Tereza Van Horn, Board staff

Exhibits

5. Complaint and Notice of Hearing (Exhibit 1).
6. Six color photographs (Exhibit 2).

- 1 7. Screenshot of Respondent's current licensing status with the Board (Exhibit 3).  
2 8. Email correspondence dated March 3, 2022, between Board staff (Exhibit 4).

3  
4 **II.**

5 **JURISDICTION**

- 6 9. Respondent is currently and at all times mentioned herein, licensed as a reflexologist in the  
7 State of Nevada and is therefore, subject to the jurisdiction of the Board and the provisions  
8 of NRS Chapter 640C.

9 **III.**

10 **FINDINGS OF FACT**

- 11 10. The Board, having considered all the evidence presented, the testimony of witnesses, and  
12 the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality  
13 of evidence sufficient to meet the preponderance of the evidence standard of proof as set  
14 forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130  
15 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).  
16 11. Via Complaint and Notice of Hearing dated May 4, 2022, Respondent was notified of the  
17 administrative hearing scheduled for Wednesday, June 8, 2022. (Exhibit 1)  
18 12. Ms. Van Horn testified to the following:  
19 a. That she sent a copy of the Complaint and Notice of Hearing certified mailed and  
20 regular mailed to Respondent's address on file with the board.  
21 b. That she has not received any communication from Respondent after sending the  
22 Complaint and Notice of Hearing.  
23 c. That Respondent has not requested a continuance in this matter.  
24 13. Pursuant to NRS 622A.350(1), the Board proceeded to consider this matter without the  
25 participation of Respondent.  
26 14. Senior Deputy Attorney General, Sophia G. Long provided the following:  
27 a. Pursuant to NRS 622A.350(2), the Board may accept the allegations against the  
28 licensee in the charging document as true.  
b. The allegations in the charging document were read into the record. Specifically,  
that "On or about March 2, 2022, Respondent, while working at Sister's Foot Spa

1 located at 9555 S. Las Vegas Blvd., #1113-114, Las Vegas, Nevada 89123,  
2 massaged male client while her genitals were exposed. Respondent is not licensed  
3 with the Board as a massage therapist; Respondent is licensed with the Board as a  
4 reflexologist. Respondent failed to properly drape male client while performing his  
5 massage.”

6 c. Six color photographs were admitted into evidence showing Respondent massaging  
7 a male client who was improperly draped, and Respondent’s genitals were exposed  
8 as it was not covered by her skirt. (Exhibit 2)

9 d. Screenshot of Respondent’s license status with the Board as a reflexologist was  
10 admitted into evidence. (Exhibit 3)

11 e. Board staff correspondence identifying Respondent as the massage therapist from  
12 the color photographs was admitted into evidence. (Exhibit 4)

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

15 **IV.**

16 **CONCLUSIONS OF LAW**

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

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

24 18. By massaging male client while her genitals were exposed, Respondent was soliciting  
25 sexual activity during the course of practicing a massage, Respondent violated the  
26 provisions of NRS 640C.700(4) and (9).

27 19. By massaging male client without being licensed by the Board as a massage therapist,  
28 Respondent violated NRS 700(14) and (9).

29 20. By failing to properly drape male client during the course of a massage, Respondent violated  
30 NAC 640C.400(8) and NRS 640C.700(9).

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

3  
4 **V.**

5 **ORDER**

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

- 8 1. Pursuant to NRS 640C.710, Respondent's license is REVOKED for a period of ten (10)  
9 years.
- 10 2. Pursuant to NRS 640C.710, Respondent shall pay a fine of Five Thousand Dollars  
11 (\$5,000.00) for each count in the complaint, for a total of Fifteen Thousand Dollars  
12 (\$15,000.00).
- 13 3. Pursuant to NRS 622A.400, Respondent shall pay costs associated with the administrative  
14 hearing not to exceed One Thousand Dollars (\$1,000.00).
- 15 4. This order shall be effective on June 8, 2022

16  
17 Dated this 11th day of June, 2022.

18 **NEVADA STATE BOARD OF MASSAGE THERAPY**

19  
20   
21 \_\_\_\_\_  
22 **ELISABETH BARNARD, Chair**

23 Submitted by:  
24 **AARON D. FORD**  
25 Nevada Attorney General's Office

26   
27 \_\_\_\_\_  
28 **Sophia G. Long**  
Senior Deputy Attorney General  
555 E. Washington Ave, Suite 3900  
Las Vegas, Nevada 89101

**HONG LU/ Nevada State Board of Massage Therapy (20160)**

<b>DATE</b>	<b>NARRATIVE</b>	<b>UNITS</b>	<b>PRICE</b>	<b>VALUE</b>
6/3/2022	Prepare for hearing, including providing proposed exhibits to board staff.	1.5	163.00	244.50
6/8/2022	Attend board meeting; Prosecute administrative hearings and respond to reconsideration requests.	3.3	163.00	537.90
6/8/2022	Draft order regarding Hong Lu.	1.0	163.00	163.00
6/8/2022	Examine correspondence from Hong Lu's spouse to board regarding hearing attendance; Advise Executive Director accordingly.	0.4	163.00	65.20
<b>GRAND TOTAL</b>				<b>\$1,010.60</b>





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

July 8, 2022

Hong Lu

RE: June 8, 2022, Hearing

Dear Ms. Lu:

As a result of the hearing held on June 8, 2022, your reflexology license bearing the number NVRF.0112 has been revoked for ten (10) years.

The Board found you guilty of NRS.640C.700(4)(9)(14) and NAC.640C.400(8). You were found guilty of all three counts. The Board imposed a fine of \$5,000.00 per count for a total of \$15,000.00 for fines and \$1000.00 for administrative fees incurred. A copy of the order and invoice was sent in a separate envelope. If you would like a payment arrangement, please contact me directly right away.

Please return all three portions of your license including the blue laminated one, bearing the number NVRF.0112 as soon as possible.

If you have any questions, please contact our office via email at [nvmassagebd@lmt.nv.gov](mailto:nvmassagebd@lmt.nv.gov).

Sincerely,

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

Tereza Van Horn  
Executive Assistant  
NSBMT

COPY

Nevada Board of Massage Therapy

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

# Invoice

Date	Invoice #
7/8/2022	1203

Phone # 775-687-9955

Bill To
Hong Lu NVRF.0112

Terms	Due Date
Net 30	8/7/2022

Description	Amount
Administrative Fine - Board imposed fine	15,000.00
Administrative Fee - Attorney Costs	994.30
Administrative Fee - Postage	5.70
<b>Total</b>	<b>\$16,000.00</b>