

Yao Wen, Esq.



411 E. Bonneville Ave Unit#150 • Las Vegas • NV • 89101

Aug 23, 2022

Via E- Mail

Tereza Van Horn tvanhorn@lmt.nv.gov

Sandy J. Anderson <sjanderson@lmt.nv.gov>;

Re: Hongying Xu-Rode -- NVMT-OC22040

Dear Board,

My name is Kelvin Wen, the attorney of Wendot Law Group. We have been retained by Ms. Xu-Rode regarding her matter with your office.

I am writing to request a reconsideration for her case. Ms. Xu-Rode was represented by an American attorney, and we believe there was misunderstanding and miscommunication between them.

Thank you so much for your help. If you have any questions regarding the current situation, please do not hesitate to contact me by phone 702-520-8888 or send me an email ywen@wendotlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to be "Yao Wen", written in a cursive style.

Yao Wen, Esq.

Wendot Law Group, Ltd.



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

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

September 23, 2022

Hongying Xu-Rode
C/O Wendot Law Group
411 E. Bonneville Ave. Unit 150
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 Ms. Xu-Rode:

Pursuant to your request, the Board has agreed to reconsider your fines or fees in connection with the complaint NVMT-C-22040 heard on August 10, 2022, 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 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=MIp1SFYwT3FMdTIkSk93c0JlMHRHcz09>

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

CC: Wendot Law Group

9489 0090 0027 6461 1327 51



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August 19, 2022

Hongying Xu-Rode

RE: August 10, 2022 - Hearing

Dear Ms. Xu-Rode:

As a result of the hearing held on August 10, 2022, your massage therapy license bearing the number NVMT.8379 has been revoked for ten (10) years.

The Board found you guilty of NRS.640C.700(4) and/or (9). You were found guilty of one count. An invoice is included for the fines/fees associated with your hearing. Please remit payment using a cashier's check or money order. If you would like to set up payment arrangements, please contact me right away.

Enclosed you will locate copy the order regarding your case.

Please return all three portions of your license including the blue laminated one, bearing the number NVMT.8379 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 Van Horn".

Tereza Van Horn
Executive Assistant
NSBMT

Cc: Mitchell S. Bisson, Esq.

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-22040

Hongying Xu-Rode,

ORDER

Licensed Massage Therapist
Nevada License No. NVMT.8379,

Respondent.

WHEREAS on Wednesday, August 10, 2022, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed July 8, 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, Rebecca Dorangricchia, Secretary/Treasurer; Bianca Smith; Lorna Benedict; John Teng; and Stephanie Tsanas. The Las Vegas Metropolitan Police Department (“LVMPD”) Advisory Member, Sergeant Aaron 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. Hongying Xu-Rode (“Respondent”), was present with counsel, Mitchell S. Bisson, Esq. from the Law Office of Mitchell S. Bisson, and Mandarin interpreter Jenny Lui.

Exhibits

4. Exhibits:
 - a. Las Vegas Metropolitan Police Department case report and Citation (Exhibit 1).
 - b. Las Vegas Justice Court Case Docket (Exhibit 2).

1 Witnesses

2 5. Witnesses:

- 3 a. Detective Kamran Aliyev, LVMPD Vice Detective.
4 b. Hongying Xu-Rode, Respondent.

5 **II.**

6 **JURISDICTION**

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

10 **III.**

11 **FINDINGS OF FACT**

- 12 7. The Board, having considered all the evidence presented, the testimony of witnesses, and
13 the arguments of counsel, for good cause appearing, finds sufficient quantity and/or
14 quality of evidence sufficient to meet the preponderance of the evidence standard of proof
15 as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of*
16 *Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).
- 17 8. Via Complaint and Notice of Hearing dated July 8, 2022, Respondent was notified of the
18 administrative hearing scheduled for Wednesday, August 10, 2022.
- 19 9. Detective Aliyev testified to the following:
- 20 a. That on January 28, 2022, he was working undercover investigating prostitution
21 related crimes.
- 22 b. At approximately 8:05p.m., he entered Diva Foot Spa located at 6135 W. Sahara
23 Ave., Suite #1, Las Vegas, Nevada 89146, and was greeted by Respondent; he
24 subsequently paid forty dollars (\$40.00) for a half hour massage.
- 25 c. During the massage, Respondent touched his buttocks and testicles.
- 26 d. He asked for a "blowjob," wherein Respondent nodded and responded, "I want it
27 in my mouth."
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- 1 e. He asked for sex wherein Respondent declined, but negotiated two hundred dollars
2 (\$200.00) for a “blowjob” with a condom, or four hundred dollars (\$400.00) for a
3 “blowjob” without a condom.
4 f. He and Respondent agreed on a “blowjob” with a condom for two hundred dollars
5 (\$200).
6 g. He cited Respondent for soliciting/prostitution and completed a case report
7 (Exhibit 1).

8 10. Hongying Xu-Rode, Respondent, testified to the following:

- 9 a. She began work that day at 3:00p.m. and that she was the only employee the entire
10 time.
11 b. She worked for the massage establishment for three (3) days before the alleged
12 facts in the Complaint.
13 c. Earlier that day, she saw on the news a shooting that took place in an Asian
14 massage establishment in New Mexico, which led to her being afraid that day.
15 d. The doors are locked when there aren’t any customers.
16 e. When Detective Aliyev entered the establishment, she was afraid because he was a
17 big man with what looked like a fake beard.
18 f. That during the massage, Detective Aliyev relentlessly propositioned her for
19 sexual activity, and she refused several times and became further afraid.
20 g. She received a citation wherein she appeared in court and after completing certain
21 requirements, the matter was dismissed (Exhibit 2).

22 11. The Board finds that:

- 23 a. The facts in the complaint are true.
24 b. Detective Aliyev’s testimony is more credible than Respondent’s testimony.
25 c. The specific manner in which Respondent touched Detective Aliyev is indicative
26 of solicitation and is known by detectives in determining whether soliciting
27 activity is present.

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

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IV.

CONCLUSIONS OF LAW

13. Having made the aforementioned findings, the Board decides that there is 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) to make the following conclusions of law:

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

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

V.

ORDER

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

1. Pursuant to NRS 640C.710, Respondent's license is REVOKED for ten (10) years.
2. Respondent shall pay a fine of five thousand dollars (\$5,000.00) for each count, totaling five thousand dollars (\$5,000.00).
3. Respondent shall reimburse the Board for administrative costs incurred in this matter, see attached.

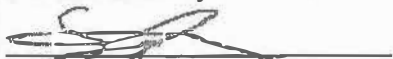
Dated this 18th day of August, 2022.

NEVADA STATE BOARD OF MASSAGE THERAPY



ELISABETH BARNARD, Chair

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



Sophia G. Long
Senior Deputy Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, Nevada 89101

Nevada Board of Massage Therapy

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

Invoice

Date	Invoice #
8/19/2022	1231

Phone # 775-687-9955

Bill To
Hongying Xu-Rode

Terms	Due Date
Net 15	9/3/2022

Description	Amount
Administrative Fine - Board imposed fine - Guilty of violation of NRS.640C.700(4) and (9)	5,000.00
Administrative Fee - DAG - Sophia Long	1,141.00
Payable with a money order or cashier's check. Personal checks will not be accepted	
Total	\$6,141.00