

NEVADA STATE BOARD OF MASSAGE THERAPY

AGENDA ACTION SHEET

TITLE: Reinstatement

MEETING DATE: October 26, 2022

APPLICANT: Kendal L. Priestly
REVIEW UNDER: NRS 640C.700

BACKGROUND INFORMATION:

Ms. Priestly was previously licensed by NSBMT in January of 2020 with probationary restrictions. In September of 2020, Ms. Priestly failed a random drug test, resulting in a violation of her probation terms. During a probation hearing on November 4, 2020, Ms. Priestly was found guilty of the violations and was revoked for a term of one year. Ms. Priestly is requesting to be granted a reinstatement license under NRS 640C.580 and is before you today for review under NRS 640C.700.

ACTION:

- Approved - NRS 640C.700(9) and/or (11) and NAC.640C.410(q)
- Probation – NRS 640C.700(9) and/or (11) and NAC.640C.410(q)
- Denied
- Tabled

PROBATION CONDITIONS: Per NRS 640C.710 Options for Respondent:

<input type="checkbox"/> A. Report all contact with law enforcement personnel within 48 hours after such contact occurs.	<input type="checkbox"/> B. Refrain from providing outcall services.
<input type="checkbox"/> C. Submit employment offers to the staff of the Board for review and approval.	<input type="checkbox"/> D. Submit to a random drug test at respondent's expense.
<input type="checkbox"/> E. Complete an ethics course of _____ CEU hours within 90 calendar days of licensure.	<input type="checkbox"/> F. Submit to the Board a complete set of Fingerprints bi-annually/annually at licensee's expense.
<input type="checkbox"/> G. Take any other action that the Board deems appropriate -	

Required for Respondent:

Cooperate fully with Board staff to administrate term of probation.	Responsible for all administrative fees incurred by the Board as a result of their probation compliance
Attend Probation Orientation	Comply with all laws governing massage therapy
Notify any change in address, phone number, establishment or employment to the Board office within 10 calendar days per NAC.640C.085(3)	Take any combination of the actions set forth in paragraphs (a) through (g), inclusive.



Nevada State Board of Massage Therapy

1755 E. Plumb Lane, Suite 252, Reno, NEVADA

Application: License Application
Application Number: OL220422035769

Fee: \$30.00

APPLICATION INSTRUCTIONS

Please read the following instructions carefully before completing the application. Incomplete applications will cause delays in processing your application. If you have any questions about completing this application, visit our website listed above and click the FAQs tab.

1. Did you complete/graduate from a program of Massage Therapy with at least 550 hours? : Yes No
2. Did you take and pass the National Exam (NESL, NCETM, NCETMB, MBLEX, IASI, ITEC, ARCB, IIR and NCBTMB-R)? : Yes No

Section 1 : Personal Information

- Include 1 current passport quality photo - No emailed photos or faxes will be accepted
- No larger than 2" x 2", front view of FACE - no profile
- Must be taken against a solid white background
- We will **NOT ACCEPT** the photo if you are wearing a hat, sunglasses, or anything obstructing any portion of your face.

Application Type : **Massage Therapist** **Structural Integration** **Reflexology**

Applicant Name

Last Name : PRIESTLY
First Name : KENDAL
Middle Name : L.



List all legal names previously or currently being used by you :

No record found.

Mailing address :

Street :
City : **State :** **Zip :**

Residence address (if different than the mailing address) : Same as mailing address

Street :
City : **State :** **Zip :**

Social Security Number : **Date of Birth :**
Place of Birth : Las Vegas **Gender :** Male Female

Home/Cell Phone :

Indicate the appropriate selection; which address you would prefer to be public knowledge.

Home Mailing Business

Do you want to be excluded from the public mailing list? (Select one - You will still receive Board

notifications)

Yes No

Section 2 : Child Support Information (Pursuant to NRS 640C.430)

Mark the appropriate response (failure to mark one of the three will result in denial of your application):

- I am NOT SUBJECT to a court order for the support of a child.
- I am SUBJECT to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount pursuant to the order.
- I am SUBJECT to a court order for the support of one or more children and am NOT in compliance with the order or am NOT in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount pursuant to the order.

Section 3 : Previous Licensure Information

Previous Licensure :

List all jurisdictions/states in which you have ever been licensed as a Massage Therapist, Reflexology or Structural Integrationist.

- Check here if you have never been licensed in any state jurisdiction.

Licensure Information is not required because you have checked "Sign off from Local jurisdiction to follow".

Section 4 : Training and Education

Training :

Contact registrar of your school/(s) and request to have official transcripts mailed directly to the Nevada State Board of Massage Therapy.

Diploma may be provided by school or applicant.

Name of School	City/State	Years from and to	Hours Completed
Northwest career college	Las Vegas	2018 - 2019	750

Transcript(s)

Document Name	User Defined Document Name	Document Link
220422035769-177214-Transcript.pdf	NORTHWEST-TRANSCP	Document Detail

Section 5 : National Exam

Exam Taken	Where Taken	Date Taken
Mblex	Las Vegas, NV	04/30/2019

National Exam Status :

Date Received :

Score Report Received

Document Name	User Defined Document Name	Document Status
220422035769-177215-ScoreReportCard.pdf	MBLEX	Pass

Section 6 : Application Screening Questions

Please review the information you provided on this page carefully before submitting. Once saved and submitted, this cannot be changed.

1. Have you ever had any disciplinary proceedings instituted against you relating to your license to practice massage, reflexology or structural integration?

Yes No

If yes, add the disciplinary actions below.

Date of Revocation	Licensing Agency	Reason for action	Name and Address of Employer
11/04/2020	Nevada state board of Massage Therapy	Violation of probationary terms.	NA NA NA, NV 00000

2. Are you currently a party to any pending litigation related to the practice of massage therapy, reflexology or structural integration? If yes, please indicate whether you are a plaintiff or defendant and describe the nature of the litigation.

Yes No

3. Are you currently or have you ever been required to register as a Sex Offender? (Tier I, II or III)

Yes No

If Yes, please explain in below textbox :

4. Have you been accused of, arrested for, engaged in or solicited sexual activity during the course of practicing massage, reflexology, or structural integration on a person, with or without the consent of the person, including, without limitation, if you were an applicant or holder of a license:

- (a) Made sexual advances toward the person;
- (b) Requested sexual favors from the person; or
- (c) Massaged, touched or applied any instrument to the breasts of the person, unless the person had signed a written consent form provided by the Board;

Yes No

If yes, fill in the following with complete and accurate information for each accusation or arrest:

No record found.

Fingerprint Background Waiver

NOTICE OF NONCRIMINAL JUSTICE APPLICANT'S RIGHTS

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by the Nevada State Board of Massage Therapy that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.
2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of your FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:

16.34 - Procedure to obtain change, correction or updating of identification records. If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information

Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.
5. I hereby authorize **Nevada State Board of Massage Therapy** to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.
In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detentions, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.
6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Last Name : PRIESTLY

First Name : KENDAL

Middle Name : L.

Street :

City :

State :

Zip :

Date : 5/20/2022

Submitting Agency : Nevada State Board of Massage
Therapy

Address : 1755 E. Plumb Ln. Suite 252,
Reno, NV 89502

VETERAN

The Nevada State Board of Massage Therapy is required by State Law to report veteran information annually. If this section applies to you, please complete the following information.

Have you ever served in the military: Yes No

Branch(es) of Service: (Check all that apply)

- Army/Army Reserve
- Marine Corps/Marine Corps Reserve
- Navy/Navy Reserve
- Air Force/Air Force Reserve
- Coast Guard/Coast Guard Reserve
- National Guard

Military Occupation Specialty/Specialties:

Date(s) of Service: From To

As by Executive Order 2014-20 all professional licensing board organized pursuant to the NRS shall collect the above data and provide the information to the Nevada Department of Veterans Services.

Affidavit of Applicant / Authorization of Release

I, **KENDAL PRIESTLY** certify that I am the person described and identified in this application; I have answered all the questions truthfully and completely, and any documents that I have provided in support of my application are, to the best of my knowledge, accurate.

I certify that I have not had any undisclosed disciplinary proceedings instituted against me relating to my license to practice massage, reflexology or structural integration and I have disclosed or have not been arrested or convicted, for any crime involving violence, prostitution or any other sexual offense.

I authorize all institutions or organizations, including educational institutions and organizations, employers (past and present), business and professional associations (past and present) and all governmental agencies and municipalities (local, state, federal and foreign) to release to the Nevada State Board of Massage Therapy any information, files or records required by the Nevada State Board of Massage Therapy in connection with processing this application.

I understand that furnishing false or misleading information or failing to furnish required information on this application may be cause for the denial, suspension or revocation of my license to practice massage therapy, structural integration or reflexology in the State of Nevada.

Name : Kendal Priestly

Date : 5/20/2022

Upload

Have you uploaded a current passport quality photo?

Has our office received your Official School Transcripts, Certificate of Completion (diploma), National Exam Official Score Report and, if applicable, Certified Statement from other jurisdictions/states?

Yes No

Have you uploaded a current copy of driver's license or identification card and social security card. Names must match on driver's license and social security card. If your license has expired since you submitted your application you must include a current legible copy?

Yes No

Have you uploaded a current massage therapy license, reflexology license/certificate or structural integration license. If your current massage therapist license, reflexology license/certificate or structural integration license has expired since you submitted your application you must include a current legible copy?

Yes No

- Please allow up to 4 weeks for processing your live scan fingerprints
- Please allow up to 6-8 weeks for processing fingerprint cards
- **Once you have submitted your completed application, please allow up to 15 business days for processing before inquiring about the status of your application.**

Document Type	Document Name	User	Defined Document Name
Certificate of Completion	OL220422035769-180793-Certificate-of-Completion.pdf		NORTHWEST-DIPL
Photo	12648-178348-PRIESTLY, KENDAL.jpeg		
Score Report Card	220422035769-177215-ScoreReportCard.pdf		MBLEX
Transcript	220422035769-177214-Transcript.pdf		NORTHWEST-TRANSCP
Social Security Card	OL220422034767-176632-Social-Security-Card.jpg		
Government Issued ID Card	OL220422034767-176631-Government-Issued-ID-Card.jpg		DL

Application Fees

All fees are non-refundable.

Fee Detail(s)

Payment Detail(s)

Payment Method:

Amount Paid:



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>

July 5, 2022

Kendal L. Priestly

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 Ms. Priestly:

In connection with your Application Review, the Nevada State Board of Massage Therapy (Board) may consider your character, alleged misconduct, competence or physical or mental health at its meeting on August 10, 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/82173853899?pwd=K3dVNDh1Y09iYnBJZ3oxQkFTSkdtUT09>

Meeting ID: 821 7385 3899

Password: 788395

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.

COPY

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 6447 6115 08

COPY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

c. Review Application of Kendal Priestly. (For Discussion and Possible Action)

Kendal Priestly was present.

Teresa Lopez recused as Kendal Priestly was one of her students.

Executive Director, Sandy Anderson - Ms. Priestly's massage application is before you today due to potential criminal history that could not be approved administratively. Ms. Priestly was arrested on December 4, 2015 and February 25, 2016 by Las Vegas Metropolitan Police Department. Ms. Priestly is requesting to be granted a license under NRS 640C.400 or 420 and is before you today for review under NRS 640C.700. Staff's recommendation is to approve a license with no restrictions.

April Whiting motioned to grant a two (2) year probationary license, must report all contact with law enforcement within forty-eight (48) hours, background annually at Ms. Priestly's expense, random drug testing at Ms. Priestly's expense, notify the Board of any change of address within 15 days, refrain from providing outcall services

and notify the Board of any changes in her employment, seconded by Deirdre Strunk.
Motion carries. Teresa Lopez recused.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

ORDER FOR PROBATION

Kendal L. Priestly,
Licensed Massage Therapist
License No. NVMT.10263

IT APPEARING on January 8, 2020, Kendal L. Priestly ("Priestly") appeared before the Nevada Board of Massage Therapy ("Board") for an application review.

The Board granted Priestly a license to practice massage therapy and immediately placed Priestly's license on probation for a period of two (2) years.

ORDER

IT IS HEREBY ORDERED:

1. Priestly will attend probation orientation.
2. Priestly shall submit to a background check within one year of the date of this Order and within two years of the date of this Order at Priestly's expense.
3. Priestly must refrain from providing outcall services.
4. Priestly must report all contact with law enforcement personnel within forty-eight (48) hours after such contact occurs.
5. Priestly must notify the Board of any changes in her employment within 15 days.
6. Priestly must provide any changes in address or phone number to the Board office within 15 days.
7. Priestly is to submit to random drug test at Priestly's expense.
8. Priestly must cooperate fully with the Board staff to administrate terms of her probation.
9. This order shall not be construed as excluding or reducing any criminal or civil penalties or sanction or other remedies that may be applicable under federal, state or local laws.
10. Priestly's license shall be marked "Restricted" throughout the probationary period.
11. Priestly shall meet with the Board or its representatives upon request and shall cooperate with representatives of the Board in her supervision and investigation of Priestly's compliance with the terms and conditions of this Order.

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12. This Order will become part of Priestly's permanent record, will become public information, will be published with the list of disciplinary actions the Board has taken, and may be reported to any national repository which records disciplinary action taken against licensees or holders of certificates or any agency or another state, which regulates the practice of massage therapy. The Board may use the Order in any subsequent hearings.

13. Priestly acknowledges that if she violates one or more of the terms of this Order, the Board may revoke or invoke other appropriate discipline against her license to practice massage therapy; subject only to the requirement that the Board shall, prior to such disciplinary action, conduct a hearing in accordance with Chapters 233B, 622A, and 640C of the Nevada Revised Statutes for the limited purpose of establishing that there has, in fact, been a violation of the requirements of this Order. In the event that a violation of this Order is alleged, Priestly agrees to surrender her license to the Executive Director, if so requested, and refrain from practicing as a massage therapist until an entry of a final order of the Board or a court of competent jurisdiction, whichever last occurs, regarding the potential violation. Priestly agrees to waive her right to appeal the substantive legal basis of the disciplinary action. In the event an alleged violation of this Order is taken to hearing and the facts which constitute the violation are determined to be not proven, no disciplinary action shall be taken by the Board.


14. In the event other misconduct is reported to the Board, this Order may be used as evidence against Priestly to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

15. Nevada State Board of Massage Therapy retains jurisdiction in this case until all conditions have been met to the satisfaction of the Board.

NEVADA STATE BOARD OF MASSAGE THERAPY



Diane Huleva, LMT
Board Chair



Sandra Anderson
Executive Director

Date 1/21/20

Date 1/21/2020





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@state.nv.us

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

I, Mendal Priestly have attended Orientation on

1/24/20 informing me of my responsibilities with the Terms and Conditions of my Agreement/Order with the Nevada State Board of Massage Therapy. I understand that I am accountable for the full compliance of this agreement.

M. Priestly

Name

[Signature]

Name of Witness

1/24/20

Date

1-24-20

Date



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Review of Probation for Kendal L. Priestly – NVMT #10263. (For Discussion and Possible Action)

Kendal Priestly was present. Teresa Lopez recused based on her relationship with the licensee stating that Ms. Priestly had been one of her students.

Ms. Priestly requested removal of the outcall restriction from her probationary restrictions. After discussion Ms. Priestly was advised to return to the Board with information regarding the state and local licensing required to practice outcall and a simple business plan. Ms. Priestly's Review of Probation will be added to a future agenda.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. Reconsideration of probation Kendal L. Priestly NVMT #10263. (For Discussion and Possible Action)

Kendal L. Priestly was present and provided a document for the Board's review including licensing costs and a plan for the operation of her own business.

Richard Fields motioned to lift the restriction prohibiting outcall from her probation, seconded by Deirdre Strunk. Motion carried unanimously.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:
Kendal L. Priestly,
Licensed Massage Therapist
Nevada License No. NVMT.10263,
Respondent.

Case No. NVMT-S-2041

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Kendal L. Priestly ("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 January 8, 2020, Respondent's application to practice massage therapy was reviewed before the Board at a properly noticed board meeting. Respondent was granted a license to practice massage therapy with the condition of being placed on probation for two (2) years.
2. On or about January 21, 2020, the Board issued the Order of Probation which included the following conditions, among other conditions:
 - a. Attend probation orientation;
 - b. Submit to a background check within one year of the date of the Order and within two years of the date of the Order at Respondent's expense;

- 1 c. Refrain from providing outcall services¹;
- 2 d. Report all contact with law enforcement personnel within forty-eight (48) hours
- 3 after such contact occurs;
- 4 e. Notify the Board of any changes of employment within 15 days;
- 5 f. Provide any changes in address or phone numbers to the Board office within 15
- 6 days; and,
- 7 g. Submit to random drug tests at Respondent's expense.
- 8 3. On or about September 12, 2020, Respondent submitted to a random drug test that resulted
- 9 in positive analysis for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 10 METABOLITES.

11 **VIOLATIONS OF LAW**

12 **COUNT ONE**

- 13 4. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 14 METABOLITES from her drug test, Respondent violated the provisions of NRS
- 15 640C.700(13) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

16 **COUNT TWO**

- 17 5. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 18 METABOLITES from her drug test, Respondent violated the provisions of NRS
- 19 640C.700(5) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

20 **PRAYER FOR RELIEF**

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

- 22 6. That the Board conduct a hearing on this complaint as provided by statute, and after such
- 23 hearing, that the Board impose upon Respondent the discipline permitted by NRS 640C.710,
- 24 which may include the following, (a) the imposition of an administrative fine of not more than
- 25 \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs incurred, (c)
- 26 recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly reprimanded, (e)
- 27 suspend, revoke or place conditions on the licensee's license, (f) place the licensee on

28 ¹ This restriction came before the Board at the August 19, 2020 wherein the Board voted to remove this restriction from her probation.

1 probation, and/or (g) such other impositions as may be permitted by Nevada law.

2
3 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
4 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
5 622, 622A and 640C of the Nevada Revised Statutes.

6 THE HEARING WILL TAKE PLACE:

7 **Wednesday, November 4, 2020, commencing at 9:00 a.m.**

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

9 Register in advance for this meeting:

10 <https://zoom.us/j/99858062211?pwd=ZUxVN3JKaGZwVXo4M2VkMzZEakdIZz09>

11 Meeting ID: 998 5806 2211

12 Password: 859088

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

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

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

21 You have the right to request that the Board issue subpoenas to compel witnesses to testify
22 and/or evidence to be offered on your behalf. In making this request, you may be required to
23 demonstrate the relevancy of the witnesses' testimony and/or evidence.

24 The purpose of the hearing is to determine if the Respondent has violated the provisions of
25 Chapter 640C of NRS and if the allegations contained herein are substantially proven by the evidence
26 presented to further determine what administrative penalty is to be assessed against the Respondent, if
27 any, pursuant to NRS 640C.710.

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

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

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

8 Dated this 3rd day of October 2020.

9 **NEVADA STATE BOARD OF MASSAGE THERAPY**

10 
11 SANDRA ANDERSON, Executive Director

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2020, 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:

Kendal L. Priestly

9489 0090 0027 6226 7362 48

NEVADA STATE BOARD OF MASSAGE THERAPY



Employee

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Formal Hearing Kendal L. Priestly – NVMT #10263 – NVMT-S-2041. (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)

Senior Deputy Attorney General Sophia Long served as prosecuting counsel. Ms. Priestly was present. Ms. Long admitted supporting documents into the record which were approved by the Chair.

Chair Huleva swore in Kendal Priestly. Ms. Priestly provided a statement.

Motioned by Elisabeth Barnard that Ms. Priestly was in violation of counts one and two, seconded by Deirdre Strunk. Motion carried unanimously.

Motioned by Robert Oliver to revoke for one (1) year, seconded by Richard Fields. Motion carried unanimously.

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-2041

Kendal L. Priestly,

ORDER

Licensed Massage Therapist
Nevada License No. NVMT.10263,

Respondent.

WHEREAS on Wednesday, November 4, 2020, the administrative hearing held relative to the Complaint in the above-captioned matter dated and signed October 3, 2020 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 Diane Huelva, Chair; Deirdre Strunk, Vice-Chair; Elisabeth Barnard, Secretary/Treasurer; Bianca Smith; Lorna Benedict; Bob Oliver; Richard Fields; and Sommer Plotnick. The Las Vegas Metropolitan Police Department Advisory Member, Detective James Downing, was also present.
2. Sophia G. Long, Senior Deputy Attorney General, was present and appeared as prosecutor for the Board. Justin Taruc, Deputy Attorney General, was present and appeared as counsel for the Board.
3. Kendal L. Priestly ("Respondent"), was present.

Exhibits

4. Exhibits:
 - a. Complaint and Notice of Hearing.
 - b. Order for Probation dated January 21, 2020.
 - c. Application and letter approving the Probationary license.
 - d. Draft minutes and letter related to the August 19, 2020 Board meeting.
 - e. Ms. Priestly's drug test letter and results.

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Witnesses

f. Kendal L. Priestly, Respondent.

II.

JURISDICTION

5. 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

6. 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).

7. Via Complaint and Notice of Hearing dated October 3, 2020, Respondent was notified of the administrative hearing scheduled for November 4, 2020.

8. Senior Deputy Attorney General, Sophia G. Long provided the following:
- a. Ms. Priestly was placed on probation at the time the Board issued her a license on January 8, 2020, wherein one of the probation terms was that she submit to random drug tests at her own expense; and one of the restrictions placed on her probationary license was no outcall services.
 - b. Ms. Priestly petitioned the Board at the August 19, 2020 Board meeting to lift the restriction for outcall services as she planned to operate her own business. The Board lifted this restriction.
 - c. Ms. Priestly's September 2020 drug test returned positive for amphetamine, methamphetamine and marijuana.
 - d. The exhibits were provided to the Board.

- 1 9. Ms. Priestly testified to the following:
- 2 a. That she admitted to the positive drug test and probation violation.
- 3 b. That she has been 30 days clean and is in counseling, AA, and in an intensive
- 4 outpatient program.
- 5 c. That she took a leave of absence from Massage Envy.
- 6 d. That the last day she used drugs was October 1, 2020.
- 7 10. Any of the Findings of Fact that are or can be construed as Conclusions of Law is hereby
- 8 incorporated as such to the extent as if originally so designated.

9 IV.

10 CONCLUSIONS OF LAW

- 11 11. Having made the aforementioned findings, the Board decides that there is sufficient
- 12 quantity and/or quality of evidence sufficient to meet the preponderance of the evidence
- 13 standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic*
- 14 *Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014) to make the
- 15 following conclusions of law:
- 16 12. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 17 METABOLITES from her drug test, Respondent violated the provisions of NR 640C.
- 18 700(5) and (9).
- 19 13. By testing positive for AMPHETAMINE, METHAMPHETAMINE, and MARIJUANA
- 20 METABOLITES from her drug test, Respondent violated the provisions of NR 640C.
- 21 700(13) and (9).
- 22 14. Any Conclusions of Law that are or can be construed as Findings of Fact is hereby
- 23 incorporated as such to the extent as if originally so designated.
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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 One year.


Dated this 30th day of December, 2020.

NEVADA STATE BOARD OF MASSAGE THERAPY



DIANE HUELVA, 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