

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Marcelino Martinez,
Licensed Massage Therapist
Nevada License No. NVMT.4283,
Respondent.

Case No. NVMT-C-21087

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Marcelino Martinez ("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 November 13, 2021, Respondent, performed a massage on JW at Marcelino Healing Arts located at 650 Buol Rd., Pahrump, NV 89048.
2. After the massage, JW was in the reception area wherein Respondent kissed JW on the lips.
3. The kiss was unwanted and unwelcomed.





VIOLATIONS OF LAW
COUNT ONE

4. By soliciting kissing JW during the course of practicing a massage, Respondent violated the provisions of NRS 640C.700(4) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

PRAYER FOR RELIEF

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

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

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

THE HEARING WILL TAKE PLACE on **Wednesday, March, commencing at 9:00 a.m.** or as soon thereafter, as the Board is able to hear the matter with video conferencing by Zoom.

Zoom sign-in available at 8:30 a.m.
Register in advance for this meeting:

<https://us06web.zoom.us/j/84202990113?pwd=ZDM2c25scnhBbmRydjR1S1hwS2d1QT09>

Meeting ID: 842 0299 0113
Password: 993954

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

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

As the Respondents, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through counsel of your choice. You have the right to

1 respond and to present relevant evidence and argument on all issues involved. You have the right to
2 call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter
3 relevant to the issues involved.

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

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


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

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

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

21 Dated this 14th day of March, 2022.

22 **NEVADA STATE BOARD OF MASSAGE THERAPY**

23 
24 SANDRA ANDERSON, Executive Director



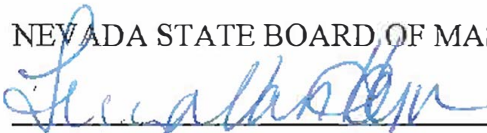
1 CERTIFICATE OF SERVICE

2 On the day of March 14, 2022, I received the foregoing COMPLAINT AND NOTICE OF
3 HEARING, properly addressed as follows: Marcelino Martinez,
4 via fed-ex tracking 776295162445, on the 14 day of March 2022.
5 Pursuant to NRS 53.045, I hereby certify, under penalty of perjury,
6 that the foregoing is true and correct.
7

8 Executed on this 14 day of March, 2022.

9
10 Marcelino Martinez
11 650 Buol Lane
12 Pahrump, NV 89048

12 NEVADA STATE BOARD OF MASSAGE THERAPY

13 
14 Employee

