

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:
Marcus T. Truman,
Licensed Massage Therapist
Nevada License No. NVMT.10048,
Respondent.

Case No. NVMT-C-22030

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (“Board”), by and through its Executive Director, Sandra Anderson, hereby notifies Marcus T. Truman (“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.a On or about May 25, 2022, while working at while working at A Harmony Salon & Spa located at 953 E. Sahara Ave, Ste 11A and 11B, Las Vegas, Nevada 89109, Respondent massaged RR and during the course of the massage, touched her genitals, buttocks and breasts and stated that he wanted to kiss her genitals. He lifted the drape to look at her vagina and smacked her buttocks.a
- 2.a RR informed the manager who denied the allegations against Respondent.a
- 3.a On May 27, 2022, Respondent was arrested by the Las Vegas Metropolitan Police Department (“LVMPD”) and charged with three counts of Open/Gross lewdness (Gross misdemeanor) related to the above incident.a

1 **VIOLATIONS OF LAW**

2 **COUNT ONE**

3 4.e By touching RR's genitals and breasts during the course of a massage, Respondent
4 violated the provisions of NRS 640C.700(4) and/or (9). This is grounds for discipline
5 pursuant to NRS 640C.700(2).e

6 **COUNT TWO**

7 5.e By smacking RR's buttocks, Respondent violated the provisions of NRS 640C.700(4)
8 and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).e

9 **COUNT THREE**

10 6.e By improperly draping RR during the course of a massage, Respondent violated the
11 provisions of NRS 640C.700(9) and/or NAC 640C.340. This is grounds for discipline
12 pursuant to NRS 640C.700(2).e

13 **COUNT FOUR**

14 7.e By being charged with Open/Gross lewdness from touching RR's genitals, buttocks and
15 breasts during the course of a massage, Respondent violated the provisions of NRS
16 640C.700(4) and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).e

17 **PRAYER FOR RELIEF**

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

19 8.e That the Board conduct a hearing on this complaint as provided by statute, and after such
20 hearing, that the Board impose upon Respondent the discipline permitted by NRS
21 640C.710, which may include the following, (a) the imposition of an administrative fine of
22 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs
23 incurred, (c) recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly
24 reprimanded, (e) suspend, revoke or place conditions on the licensee's license, (f) place the
25 licensee on probation, and/or (g) such other impositions as may be permitted by Nevada law.e

26 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
27 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
28 622, 622A and 640C of the Nevada Revised Statutes.

1 THE HEARING WILL TAKE PLACE on **Wednesday, August 10, 2022, commencing at**
2 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing by
3 Zoom.

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

5 Register in advance:

6 <https://us06web.zoom.us/j/82173853899?pwd=K3dVNDh1Y09jYnBJZ3oxQkFTSkdtUT09>

7 Meeting ID: 821 7385 3899

8 Password: 788395

9 Dial by your location

10 +1 253 215 8782 US (Tacoma)

11 +1 346 248 7799 US (Houston)

12 +1 669 900 6833 US (San Jose)

13 +1 301 715 8592 US (Washington DC)

14 +1 312 626 6799 US (Chicago)

15 +1 929 205 6099 US (New York)

16 Meeting ID: 821 7385 3899

17 Passcode: 788395

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

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

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

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

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

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 12th day of July, 2022.

9 **NEVADA STATE BOARD OF MASSAGE THERAPY**

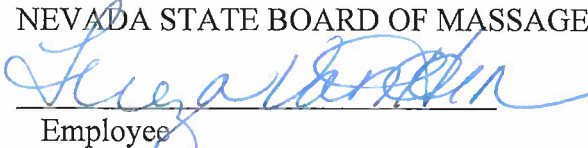
10 
11 SANDRA ANDERSON, Executive Director

12 **CERTIFICATE OF SERVICE**

13
14 I HEREBY CERTIFY that on July 12, 2022, I deposited for mailing at Reno, Nevada, via
15 Certified U.S. Mail, with return receipt and postage prepaid, a true and correct copy of the foregoing
16 **COMPLAINT AND NOTICE OF HEARING**, properly addressed as follows:

17
18
19 Marcus T. Truman
20 9550 Colorado Blue St.
21 Las Vegas, NV 89123

22 **NEVADA STATE BOARD OF MASSAGE THERAPY**

23 
24 Employee

25 9489 0090 0027 6447 6112 18
26
27
28