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BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Yuanzhu Z. Spencer,
Licensed Massage Therapist
Nevada License No. NVMT.7771,
Respondent.

Case No. NVMT-C-21061

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Sandra Anderson, hereby notifies Yuanzhu Z. Spencer (“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.e On or about August 23, 2021, Respondent, owner of Flamingo Rose Spa located at 1680 Ee Flamingo Rd., Las Vegas, Nevada 89119, had a massage therapist employee arrested for soliciting sexual activity to an undercover police officer during the course of practicing massage.
- 2.e Respondent knew of the employee’s conduct and arrest and failed to report to the Board that the employee has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days after becoming aware of that conduct.
- 3.e On or about September 9, 2021, Clark County Business License temporary suspended Respondent’s business license, license number: 2002977.081-172, and issued a Show Cause Hearing for various reasons including the August 23, 2021 arrest.

1 4.e Respondent failed to notify the Board of the Clark County Business License action taken
2 against the Respondent relating to the practice of massage therapy within 10 business days.

3 5.e On or about November 30, 2019, Respondent, while working at Flamingo Rose Spa located
4 at 1680 E. Flamingo Rd., Las Vegas, Nevada 89119, was arrested for soliciting sexual
5 activity to an undercover police officer during the course of practicing massage.e

6 6.e On November 24, 2020, Respondent submitted an application for renewal of her massage
7 therapy license wherein Respondent responded "No" to the screening question if she has
8 been arrested in the previous twenty-four months of a "felony or for a crime involving
9 violence, prostitution or any other sexual offense."e

10 **VIOLATIONS OF LAW**

11 **COUNT ONE**

12 1.e By failing to report to the Board that the holder of a license has engaged in unethical o
13 unprofessional conduct as it relates to the practice of massage therapy within 30 days after
14 becoming aware of that conduct, Respondent violated the provisions of NRS 640C.700(10e
15 and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).e

16 **COUNT TWO**

17 2.e By failing to report to the Board the August 23, 2021, arrest by a law enforcement agency
18 on the premises of the massage establishment, Respondent violated the provisions of NRS
19 640C.700(9) as it relates to NAC 640C.093(1). This is grounds for discipline pursuant to
20 NRS 640C.700(2).e

21 **COUNT THREE**

22 3.e By failing to report to the Board within 10 days of the September 9, 2021, suspension of
23 license by Clark County Business License, Respondent violated the provisions of NR
24 640C.700(9) as it relates to NAC 640C.090. This is grounds for discipline pursuant to NRSe
25 640C.700(2).e

26 **COUNT FOUR**

27 4.e By soliciting sexual activity during the course of practicing a massage, Respondent violat
28 ee the provisions of NRS 640C.700(4) and/or (9). This is grounds for discipline pursuant to
NRS 640C.700(2).e

COUNT FIVE

1 5.a By responding "No" on the renewal application, Respondent submitted false, fraudulent or
2 misleading information to the Board, therefore, Respondent violated the provisions of NRS
3 640C.700(1) and/or NRS 640C.700(9). This is grounds for discipline pursuant to NRS
4 640C.700(2).

5
6 **PRAYER FOR RELIEF**

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

8 6.a That the Board conduct a hearing on this complaint as provided by statute, and after such
9 hearing, that the Board impose upon Respondent the discipline permitted by NRS 640C.710,
10 which may include the following, (a) the imposition of an administrative fine of not more than
11 \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs incurred, (c)
12 recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly reprimanded, (e)
13 suspend, revoke or place conditions on the licensee's license, (f) place the licensee on
14 probation, and/or (g) such other impositions as may be permitted by Nevada law.

15
16 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
17 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B
18 622, 622A and 640C of the Nevada Revised Statutes.

19 THE HEARING WILL TAKE PLACE on **Wednesday, January 12, 2022, commencing at**
20 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing by Zoom.

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

23 <https://us06web.zoom.us/j/86981107368?pwd=cVhxOFhuVGRNOTV3clhvTnRPOUZKdz09>

24 Meeting ID: 869 8110 7368

25 Password: 627930

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

28 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, if
10 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 9 day of December, 2021.

22 **NEVADA STATE BOARD OF MASSAGE THERAPY**

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24 SANDRA ANDERSON, Executive Director

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 9, 2021, 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:

Yuanzhu Spencer
4120 Gannet Circle Unit 257
Las Vegas, NV 89103

Kirk T. Kennedy
Attorney at Law
815 S. Casino Center Blvd.
Las Vegas, NV 89101

NEVADA STATE BOARD OF MASSAGE THERAPY


Employee

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