

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:
Alexis J. (Orlosky) Herrera,
Licensed Massage Therapist
Nevada License No. NVMT.10005,
Respondent.

Case No. NVMT-P-2330

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Elisabeth Barnard, hereby notifies Alexis J. Herrera a.k.a. Alexis J. Orlosky ("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 Chapters 640C of NRS and NAC.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

ALLEGED FACTS

1. On or about May 19, 2019, Respondent submitted an application for massage therapy, which was subsequently granted.
2. On or about September 9, 2020, Respondent pled GUILTY in Lafayette County, Missouri to one charge of delivery of a controlled substance, FELONY; one charge of possession of a controlled substance, FELONY; and one charge of resisting arrest, FELONY; and was sentenced to suspended prison terms and placed on five years of supervised probation. Respondent failed to report the felony criminal convictions to the Board.
3. On or about March 16, 2021, the Board filed a complaint against Respondent, case number NVMT-C-21005, based on the above alleging that by being convicted of a crime

1 involving controlled substances, Respondent is in violation of NRS 640C.700(3); by being
2 convicted of a crime involving violence, Respondent is in violation of NRS 640C.700(3);
3 and by failing to report the felony criminal convictions to the Board, Respondent is in
4 violation of NAC 640C.090(3).

- 5 4. On April 21, 2021, Respondent entered into a settlement agreement in case number
6 NVMT-C-21005, wherein Respondent admitted to the allegations and Respondent's
7 license was placed on a four (4) year probation.
- 8 5. On or about June 16, 2023, Respondent submitted a renewal application for massage
9 therapy wherein she responded "no" to question 2 – "Have you been arrested or convicted
10 within the past 24 months.....of a felony or for any crime involving violence."
11 6. Respondent certified her renewal application that she "answered all the questions
12 truthfully and completely."
13 7. On or about March 25, 2022, Respondent was charged with child abuse or neglect
14 (endangerment), GROSS MIDEMEANOR; unlawful act related to human excrement or
15 fluid by a prisoner in lawful custody, GROSS MIDEMEANOR; DUI of alcohol and/or
16 controlled substance, MISDEMEANOR; and Battery, MISDEMEANOR, in the state of
17 Nevada, Las Vegas Justice Court, case number 22-SCR-00503.
18 8. On or about September 21, 2022, Respondent pled GUILTY in case number 22-SCR-
19 00503 to Battery, MISDEMEANOR and DUI of alcohol and/or controlled substance,
20 MISDEMEANOR.

21 **VIOLATIONS OF LAW**

22 **COUNT ONE**

- 23 9. By being convicted of a crime involving controlled substances, Respondent violated the
24 provision of NRS 640C.700(3). This is grounds for discipline pursuant to NRS
25 640C.700(2).

26 **COUNT TWO**

- 27 10. By being convicted of a crime involving violence, Respondent violated the provision of
28 NRS 640C.700(3). This is grounds for discipline pursuant to NRS 640C.700(2).

1 **COUNT THREE**

2 11. By failing to report to the Board the March 25, 2022, criminal charges, Respondent
3 violated NAC 640C.090(2). This is grounds for discipline pursuant to NRS 640C.700(2).

4 **COUNT FOUR**

5 12. By failing to report to the Board the September 21, 2022, criminal convictions,
6 Respondent violated NAC 640C.090(3). This is grounds for discipline pursuant to NRS
7 640C.700(2).

8 **COUNT FIVE**

9 13. By submitting false, fraudulent or misleading information on the renewal application to
10 the Board, Respondent violated NRS 640C.700(1). This is grounds for discipline pursuant
11 to NRS 640C.700(2).

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Executive Director, Elisabeth Barnard, prays as follows:

14 14. That the Board conduct a hearing on this complaint as provided by statute, and after such
15 hearing, that the Board impose upon Respondent the discipline permitted by NRS
16 640C.710, which may include the following, (a) the imposition of an administrative fine of
17 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs
18 incurred, (c) recovery of attorney fees pursuant to NRS 622.400, (d) licensee be publicly
19 reprimanded, (e) suspend, revoke or place conditions on the licensee's license, (f) place the
20 licensee on probation, and/or (g) such other impositions as may be permitted by Nevada law.
21

22 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
23 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
24 622, 622A and 640C of the Nevada Revised Statutes.

25 THE HEARING WILL TAKE PLACE on **Thursday, November 9, 2023, commencing at**
26 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing by
27 Zoom or by appearing in person.

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

Register in advance:

1 <https://us06web.zoom.us/j/83352344698?pwd=WTNBN3ZlVkcydEZBM0RCbmdyZThyUT09>

2 Meeting ID: 833 5234 4698

3 Password: 501453

4 Dial by your location

5 +1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

6 +1 301 715 8592 US (Washington DC)

7 +1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

8 Physical Location: 1755 East Plumb Lane, Suite 254, Reno, Nevada 89502

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

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

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

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

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

23 Should the Respondent fail to appear at the hearing, a decision may still be reached by the
24 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.

25 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation,
26 agreed settlement, consent order, or default. Any attempt to negotiate this case should be made by
27 contacting Elisabeth Barnard, (775) 687-9951 or ebarnard@lmt.nv.gov.
28

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

5 Dated this 5th day of October, 2023.

6 **NEVADA STATE BOARD OF MASSAGE THERAPY**

7 
8 ELISABETH BARNARD, Executive Director

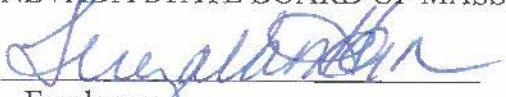
9
10 **CERTIFICATE OF SERVICE**

11 I HEREBY CERTIFY that on October 5, 2023, I submitted for personal service, a true and
12 correct copy of the foregoing **COMPLAINT AND NOTICE OF HEARING**, properly addressed as
13 follows:
14

15
16 Alexis J. Herrera
17 815 1st St.
18 Sparks, NV 89431

9489 0090 0027 6461 1191 34

19 **NEVADA STATE BOARD OF MASSAGE THERAPY**

20 
21 Employee