

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Doungchay P. Sivilay,

Licensed Massage Therapist
Nevada License No. NVMT.9947,

Respondent.

Case No. NVMT-C-22046

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Elisabeth Barnard, hereby notifies Doungchay P. Sivilay ("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 August 20, 2022, Respondent, while working at Canyon Ranch Spa located at 3325 S. Las Vegas Blvd., Las Vegas, Nevada 89109, improperly draped A.V. resulting in twice exposing A.V.'s nude body during the course of practicing massage.
2. Respondent further cupped and rubbed A.V.'s nude breasts under the drape during the course of practicing massage, and then moved the drape to her waist exposing her breasts as he massaged around them in a sexual manner.
3. A.V. reported Respondent's acts to the Las Vegas Metropolitan Police Department ("LVMPD"). LVMPD arrested and charged Respondent with Open and Gross Lewdness in a Public Place (GROSS MISDEMEANOR).

1 4. On or about May 4, 2023, Respondent pled NOLO CONTENDERE to Engage in
2 Lewd/Dissolute Conduct in a Public Place (MISDEMEANOR) in Las Vegas Justice
3 Court.

4
5 **VIOLATIONS OF LAW**

6 **COUNT ONE**

7 1. By cupping and rubbing A.V.'s nude breasts under the drape during the course of
8 practicing a massage, Respondent violated the provisions of NRS 640C.700(4) and/or (9).
9 This is grounds for discipline pursuant to NRS 640C.700(2).

10 **COUNT TWO**

11 2. By exposing A.V.'s breasts and massaging around them in a sexual manner during the
12 course of practicing a massage, Respondent violated the provisions of NRS 640C.700(4)
13 and/or (9). This is grounds for discipline pursuant to NRS 640C.700(2).

14 **COUNT THREE**

15 3. By improperly draping A.V. during the course of a massage, Respondent violated the
16 provisions of NRS 640C.700(4) as it relates to NAC 640C.340 and NAC 640C.400(8),
17 and/or NRS 640C.700(9). This is grounds for discipline pursuant to NRS 640C.700(2).

18 **COUNT FOUR**

19 4. By being convicted of a crime involving a sexual offense and/or moral turpitude,
20 Respondent violated the provisions of NRS 640C.700(3) and/or (9). This is grounds for
21 discipline pursuant to NRS 640C.700(2).

22 **PRAYER FOR RELIEF**

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

24 5. That the Board conduct a hearing on this complaint as provided by statute, and after such
25 hearing, that the Board impose upon Respondent the discipline permitted by NRS
26 640C.710, which may include the following, (a) the imposition of an administrative fine of
27 not more than \$5,000.00 per violation, (b) recovery of reasonable investigative fees and costs
28 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

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

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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 on **Thursday, November 9, 2023, commencing at**
7 **9:00 a.m.** or as soon thereafter as the Board is able to hear the matter with video conferencing by
8 Zoom or by appearing in person.

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

10 Register in advance:

11 <https://us06web.zoom.us/j/83352344698?pwd=WTNBN3ZlVkeydEZBM0RCbmdyZThyUT09>

12 Meeting ID: 833 5234 4698

13 Password: 501453

14 Dial by your location

15 +1 253 215 8782 US (Tacoma)

16 +1 346 248 7799 US (Houston)

17 +1 669 900 6833 US (San Jose)

18 +1 301 715 8592 US (Washington DC)

19 +1 312 626 6799 US (Chicago)

20 +1 929 205 6099 US (New York)

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

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

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

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

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

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

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

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

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

15 Dated this 5th day of October, 2023.

16 **NEVADA STATE BOARD OF MASSAGE THERAPY**

17 
18 ELISABETH BARNARD, Executive Director

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23 **CERTIFICATE OF SERVICE**

24 I HEREBY CERTIFY that on October 5, 2023, I deposited for mailing at Reno, Nevada, via
25 Certified U.S. Mail, with return receipt and postage prepaid, a true and correct copy of the foregoing
26 **COMPLAINT AND NOTICE OF HEARING**, properly addressed as follows:
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1 Doungchay P. Sivilay
2 3055 St. Rose Pkwy. Unit 777721
3 Henderson, NV 89052

4 NEVADA STATE BOARD OF MASSAGE THERAPY

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6 Employee

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