BEFORE THE NEVADA STATE BOARD OF MASSAGE THERAPY

In the Matter of:

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Xuemi Zhang,

Licensed Massage Therapist Nevada License No. NVMT.8892,

Respondent.

Case No. NVMT-C-24036

AMENDED COMPLAINT AND RE-NOTICE OF HEARING

9 The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, 10 Elisabeth Barnard, hereby notifies Xuemi Zhang ("Respondent") of an administrative hearing, which 11 is to be held pursuant to Chapters 233B, 622, 622A of the Nevada Revised Statutes (NRS) and 640C 12 of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC). The purpose of 13 the hearing is to consider the allegations stated below and to determine if the Respondent should be 14 subject to an administrative penalty as set forth in NRS 640C.710, if the stated allegations are proven 15 at the hearing by the evidence presented.

16 Respondent is currently and at all times mentioned herein, licensed as a massage therapist in
17 the State of Nevada and is therefore, subject to the jurisdiction of the Board and the provisions of NRS
18 Chapter 640C.

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IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

ALLEGED FACTS

On or about April 11, 2024, Respondent, while working at Eden Spa located at 5420
 Spring Mountain Rd., Ste. 107, Las Vegas, NV 89146, was cited for soliciting sexual activity to an undercover police officer during the course of practicing massage.

24 2. During the massage, Respondent offered and agreed to provide sexual activity, as
25 defined by NAC 640C.400.

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VIOLATIONS OF LAW

COUNT ONE

3. By soliciting sexual activity during the course of practicing a massage, as defined in NAC 640C.400, Respondent violated the provisions of NRS 640C.700(2), (4) and/or (9). This is grounds for discipline pursuant to NRS 640C.700 and NRS 640C.710.

PRAYER FOR RELIEF

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

4. 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 and hearing 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, October 23, 2024, commencing at 9:00 a.m. or as soon thereafter, at 1755 E. Plumb Ln., Suite 254, Reno, NV 89502. The hearing may also be attended virtually via Zoom. The Zoom information is as follows:

https://us06web.zoom.us/j/81343970844?pwd=cfae4rZh4nwlx8fh2B1EdLI51Xq1zu.1

Meeting ID: 813 4397 0844

Passcode: 242530

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

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respond and to present relevant evidence and argument on all issues involved. You have the right to
 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.

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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.

If you require the services of an interpreter, one will be provided for you at no charge. Please notify our office of your request by calling 775.687.9955 or emailing <u>nvmassgebd@lmt.nv.gov</u> by Wednesday, October 16, 2024.

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.

Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation,
agreed settlement, consent order, or default. Any attempt to negotiate this case should be made by
contacting Angela Lee, (702) 486-3898 or amlee@ag.nv.gov.

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

Dated this 1st day of October, 2024.

NEVADA STATE BOARD OF MASSAGE THERAPY

ant

ELISABETH BARNARD, Executive Director

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1	CERTIFICATE OF SERVICE
2	I HEREBY CERTIFY that on October 1, 2024 I deposited for mailing at Reno, Nevada, via
3	Certified U.S. Mail, with return receipt and postage prepaid, a true and correct copy of the foregoing
4	COMPLAINT AND NOTICE OF HEARING, properly addressed as follows:
5	Xuemi Zhang
6	4326 Newhaven Dr.
7	Las Vegas, NV 89147
8 9	NEVADA STATE BOARD OF MASSAGE THERAPY
10	Brunner
11	Employee
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