



1           4.       After, Respondent then began to rub A.M.'s legs and thighs. While massaging A.M.'s  
2 thighs, Respondent moved both of A.M.'s legs outward at the hip and knee, exposing the inside of her  
3 thighs and groin.

4           5.       Respondent then began to massage A.M.'s inner upper thighs, wherein Respondent  
5 touched A.M.'s vagina, over her underwear, between 2 and 6 times.

6           6.       Respondent then moved his hands to A.M.'s lower leg, but shortly thereafter, moved  
7 his hands towards her groin again.

8           7.       Respondent started massaging A.M.'s right upper thigh area, moving his hands  
9 increasingly closer to A.M.'s groin.

10          8.       Suddenly, Respondent penetrated A.M.'s vagina 3 times with in and out movements.

11          9.       A.M. turned to her significant other, J.H., and exclaimed that Respondent had just  
12 "fingered" her.

13          10.      J.H. then confront Respondent, to which Respondent held his hands up in the air,  
14 stating, "I'm sorry, it was an accident, it slipped."

15          11.      A.M. and her significant other then requested the manager of Massage Heights and  
16 subsequently called the Henderson Police Department ("HPD").

17          12.      The other Massage Heights employee, who was massaging J.H. at the time of the  
18 incident in the same room, confirmed during her interview with HPD, that she heard A.M. exclaim  
19 that Respondent had inappropriately touched her.

20          13.      The manager of Massage Heights stated to HPD that he spoke with Respondent about  
21 the incident, wherein Respondent stated that the inappropriate touch was an accident. Respondent also  
22 admitted to the manager that he had a similar incident occur a few months prior.

23          14.      J.H. also confirmed the aforementioned details during his HPD interview.

24          15.      During Respondent's interview with HPD, Respondent stated to the officer that he had  
25 touched A.M.'s vagina on accident. Moreover, during Respondent's interview with HPD, when asked  
26 if he penetrated A.M.'s vagina, he first denied this allegation but then later claimed that he believed  
27 the sheet covering A.M. had slipped upwards towards her vagina and then inside of her body.

28



1 **COUNT FIVE**

2 23. By engaging in sexual activity during the course of practicing massage without the  
3 consent of A.M., including touching of a sexual nature, as defined in NAC 640C.400(5), Respondent  
4 violated the provisions of NRS 640C.700(4). This is grounds for discipline pursuant to NRS 640C.700  
5 and NRS 640C.710.

6 **COUNT SIX**

7 24. By engaging in sexual activity during the course of practicing massage without the  
8 consent of A.M., including a behavior that may be reasonably interpreted as sexual, as defined in NAC  
9 640C.400(15), Respondent violated the provisions of NRS 640C.700(4). This is grounds for discipline  
10 pursuant to NRS 640C.700 and NRS 640C.710.

11 **COUNT SEVEN**

12 25. By inappropriately touching A.M. during the course of practicing massage and pleading  
13 guilty to a crime of Attempt Sexual Assault, Respondent violated NRS 640C.700(9) for engaging in  
14 unethical and unprofessional conduct.

15 **PRAYER FOR RELIEF**

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

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

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

1 THE HEARING WILL TAKE PLACE on **October 23, 2024, commencing at 9:00 a.m.** or as  
2 soon thereafter, at 254 E Plumb Ln., Suite 254, Reno, NV 89502. The hearing may also be attended  
3 virtually via Zoom. The Zoom information is as follows:

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

5 **Meeting ID: 813 4397 0844**

6 **Passcode: 242530**

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

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

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

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

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

22 If you require the services of an interpreter, one will be provided for you at no charge. Please  
23 notify our office by calling (775) 687-9955 or emailing [nvmassgeb@lmt.nv.gov](mailto:nvmassgeb@lmt.nv.gov) by Wednesday,  
24 October 16, 2024, of your request.

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

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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 M. Lee, Esq. at 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 1<sup>st</sup> day of October, 2024.

**NEVADA STATE BOARD OF MASSAGE THERAPY**

  
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ELISABETH BARNARD, Executive Director

