



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Reno Phone (775) 687-9955

Fax (775) 786-4264

Email: nvmassagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

April 29, 2024

Kirk T. Kennedy
c/o Cheng Cheng, Owner
c/o Midnight Rose Spa
815 S. Casino Center Blvd.
Las Vegas, NV 89101

Re: Notice of meeting of the Nevada State Board of Massage Therapy to consider your request to appeal citation number 22089.

Dear Mr. Kennedy:

In connection with your client's citation appeal, the Nevada State Board of Massage Therapy (Board) will hear this matter at its meeting on May 29, 2024. Participants can join the meeting via Zoom. The meeting will begin at 9:00 a.m.:

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

<https://us06web.zoom.us/j/87977848022?pwd=ulkP7fVzoGLlseafe8BE5ifuemi4D0.1>

Meeting ID: 879 7784 8022

Password: 873579

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

The meeting is a public meeting. 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 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 contest:

- 1) The facts forming the basis for the determination that you have committed an act which constitutes a violation of this chapter or the regulations of the Board;
- 2) The time allowed to take any corrective action ordered;
- 3) The amount of any administrative fine ordered;
- 4) The amount of any order to reimburse the Board for the expenses incurred to investigate the violation; and
- 5) Whether any corrective action described in the citation is reasonable.

You may choose to have an attorney or other representative of your choosing present during the meeting, present written evidence, provide testimony, and present witnesses.

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting or open meeting, it may take administrative action against you at this meeting. Please be aware you are one of many agenda items, and the Board may take items out of order.

In the event you need an interpreter, please provide one at your own expense.

If you have any questions, please feel free to contact the office at (775) 687-9955.

Sincerely,



Elisabeth Barnard
Executive Director

9489 0090 0027 6449 4519 42



Nevada State Board of Massage Therapy

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Phone (775) 687-9955

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Email: nvmessagebd@lmt.nv.gov

Website: <http://massagetherapy.nv.gov>

April 4, 2024

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

Re: Citation Appeal for Midnight Rose Spa/Cheng Cheng

Dear Mr. Kennedy:

Our office is in receipt of the letter to appeal the citation issued to Midnight Rose Spa/Cheng Cheng on 03/28/2024.

Our office will send notification via Certified U.S. Postal Service a minimum of 30 days in advance of the Board Meeting you are scheduled for. The next available Board meeting is May 29, 2024.

If you need an interpreter, please provide someone at your cost:

Las Vegas (702) 671-4578

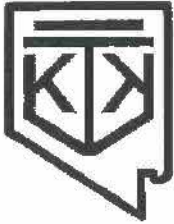
Reno (775) 323-7883

If you have any questions regarding this matter, please email our office at nvmessagebd@lmt.nv.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Tereza Van Horn".

Tereza Van Horn
Executive Assistant



KIRK T. KENNEDY
ATTORNEY AT LAW
Licensed in Nevada since 1993

815 S. Casino Center Blvd.,
Las Vegas, NV 89101

Phone: (702) 385-5534
Facsimile: (702) 385-1869
Email: ktkennedylaw@gmail.com

VIA FACSIMILE TO:
775-786-4264

April 2, 2024

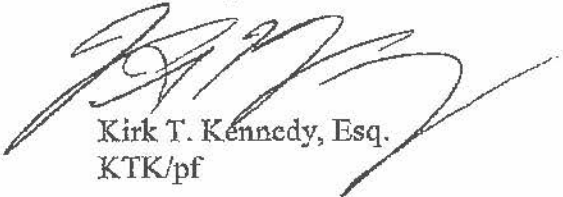
Christy Brunner
Compliance Investigator
Nevada State Board of Massage Therapy
1755 E. Plumb Lane, Ste. 252
Reno, NV 89502

Re: Midnight Rose Spa; Cheng Cheng; Citation No.: 22089

Dear Ms. Brunner:

Please be advised that I am Counsel for Ms. Cheng Cheng, the business owner of Midnight Rose Spa. Please accept this letter as an appeal to the above-noted citation that Ms. Cheng received on March 28, 2024. Kindly provide my office with the hearing notification once it is scheduled. Thank you.

Yours truly,



Kirk T. Kennedy, Esq.
KTK/pf



**Nevada State Board of Massage Therapy**

1755 E. Plumb Lane Suite 252

Reno, NV 89502

Phone (775) 687-9955

Fax (775) 786-4264

Email: nvmasseboard@nmta.nv.govWebsite: <http://nmta.org/therapists.html>

March 28, 2024

Midnight Rose Spa
Attn: Business owner
953 E. Desert Inn Rd.
Las Vegas, NV 89169

Re: Citation # 22089

Dear Business owner:

It has been brought to our attention that you are operating a massage establishment without a certificate. It is unlawful to operate an establishment in the state of Nevada without the proper certificate. Therefore, enclosed you will find a citation for operating an establishment without a certificate. You can visit our website listed above for further information and to obtain an establishment certificate application.

You may comply with the citation in one of the following three ways:

1. You may remit a copy of the citation and a cashier's check or money order in the amount of the fine stated on the citation to our address listed above.
2. You may submit a written request to the Board for approval of a fine payment schedule.
3. You may appeal the issuance of the citation by submitting a written request to the Board at the address listed above. The Board will hear your appeal at its earliest convenience. You will be notified of the time and place of the hearing by registered or certified mail to your last known mailing address. It is your responsibility to keep the Board apprised of your current mailing address.

If you have any questions, I can be reached at (775) 224-8653.

Respectfully,

Christy Brunner
Compliance Investigator

Cc: File





Administrative Citation
 Nevada State Board of Massage Therapy
 1755 E. Plumb Lane, Suite 252, Reno, NV 89502
 P: (775) 687-9955 E: nvmessagebd@lmt.nv.gov
 Website: http://massagetherapy.nv.gov

CIT # 22089

Citation Date: 3-28-24
 Incident Date: 3-28-24
 NVMT#:

Name: Midnight Rose Spa LV ID: _____ St: _____
 Home Address: 953 E. Desert Inn Rd.
 City: Las Vegas St: NV Zip: 89109
 Business Name: Midnight Rose Spa
 Business Address: 953 E. Desert Inn Rd LV NV 89109

THE UNDERSIGNED NEVADA STATE BOARD OF MASSAGE THERAPY REPRESENTATIVE HEREBY DECLARES UNDER PENALTY OF PERJURY THAT THE ABOVE-NAMED PARTY DID ENGAGE IN THE FOLLOWING ACTIVITY, TO WIT:

Violation - NAC/NRS Code	First	Second	Third	Total
LICENSEE/ESTABLISHMENT				
NRS 640C.910(2)(a): Practicing with an expired license	\$200	\$500	\$1000	
NRS 640C.450/ NAC 640C.333: Failure to display license	\$200	\$500	\$1000	
NRS 640C.930(2): Using advertisements which contain knowingly false or deceptive statements	\$500	\$1500	\$2500	
NRS 640C.920: Altering a license	\$1000	\$3000	\$5000	
NAC 640C.350: Advertising without a license number	\$100	\$250	\$500	
NAC 640C.200-320: Failure to comply with sanitation	\$200	\$500	\$1000	
NAC 640C.085: Failure to notify the Board - change of address	\$100	\$200	\$500	
NAC 640C.340: Failing to drape a client as required	\$200	\$500	\$1000	
NAC 640C.345: A reflexologist shall not perform reflexology on a client unless the client is fully clothed	\$200	\$500	\$1000	
X NAC 640C.083: Operating an establishment without certificate	\$1000	\$2500	\$5000	11000
	\$1000	\$2000	\$5000	
ANY PERSON				
NRS 640C.910 (1)(a): Practicing massage therapy, reflexology or structural integration without a license	\$1000	\$2500	\$5000	
NRS 640C.920(1)(a)(b): Copying or altering a license or certificate for the purposes of fraud, deception, misrepresentation or other illegal purpose	\$1000	\$3000	\$5000	
NRS 640C.920 (2): Using a copied or altered license	\$1000	\$2000	\$5000	
NRS 640C.910(1)(b)(c): Offering to perform massage therapy, reflexology or structural integration without a license	\$1000	\$2000	\$5000	
NRS 640C.910 (1) (b) and/or (c): Advertising	\$1000	\$2500	\$5000	

The Nevada State Board of Massage Therapy hereby issues this citation to the above-named party for the described violation(s), fine and administrative fee. Fine(s) 1,000 + Fee 150 = \$ _____ total amount due and payable within 15 business days (640C.755(2)(a))

Mailed

C. Brunner 3/28/24

9489 0090 0027 6447 8868 83

MT Representative and Date

Print Name

Print Name

WHITE: OFFICE / CANARY: RECIPIENT / PINK: BILLING

Nevada Board of Massage Therapy

1755 E. Plumb Lane, Suite 252

Invoice

Date	Invoice #
3/29/2024	1358

Phone # 775-687-9955

Bill To
Midnight Rose Spa 953 E. Desert Inn Rd. Las Vegas, NV 89109

Terms	Due Date
Net 15	4/13/2024

Description	Amount
Administrative Fine - Violation of NAC 640C.083	1,000.00
Administrative Fee	150.00
Payable with a money order or cashier's check. Personal checks will not be accepted	
9489 0090 0027 6449 4518 05	Total \$1,150.00