

BEFORE THE NEVADA STATE BOARD OF  
MASSAGE THERAPY

In the Matter of,

JAMES MICHAEL FERGUSON

Licensed Massage Therapist  
Nevada License No. NVMT.11468,

Respondent.

Case No. NVMT-C-25023

**COMPLAINT AND  
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Elisabeth Barnard, hereby notifies JAMES MICHAEL FERGUSON ("Respondent") of an administrative hearing, which is to be held pursuant to Chapters 233B, 241, 622, and 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. RESPONDENT is licensed by the Board as a massage therapist, pursuant to the provisions of Nevada Revised Statutes and Nevada Administrative Code chapters 640C, license no. 12355.

2. RESPONDENT is subject to the jurisdiction of the Board and the provisions of NRS Chapter 640C and NAC Chapter 640C.

3. Sometime in December 2023, while performing an in-home massage on female client S.F., RESPONDENT made contact with the client's genitalia multiple times, even after being told by the client that the touching was inappropriate. That incident led to the filing of a police report, investigation and the submission for possible criminal charges with the Lyon County District Attorney.

4. Later, while massaging a different female client, P.B., sometime in February 2025, RESPONDENT had sexual contact with the client. The client alleged that the contact was nonconsensual and thereafter filed a police report for rape with the Lyon County Sheriff's Office. That criminal investigation is currently ongoing.

5. During a recorded interview with Board staff member Christine Brunner, on or about April 10, 2025, RESPONDENT admitted to having consensual sexual contact with client P.B.

## VIOLATIONS OF LAW

**COUNT ONE**

6. Failing to respect and maintain a client's right to privacy as per NAC 640C.410(1)(b)(13).

**COUNT TWO**

7. Engaging in sexual contact with a client as per NAC 640C.410(1)(b)(18).

COUNT THREE

8. Engaging in unprofessional conduct with a client outside of the professional boundaries considered acceptable in the profession as per NAC 640C.410(1)(b)(28).

**COUNT FOUR**

9. Engaging in and/or soliciting sexual activity during the course of practicing massage therapy, with or without the consent of the person, as per NRS 640C.700(4).

**COUNT FIVE**

10. Engaging in unethical and/or unprofessional conduct as per NRS 640C.700(9).

**COUNT SIX**

11. Failing to properly drape client as per NAC 640C.340.

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1. 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 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.

THE HEARING WILL TAKE PLACE on **May 28, 2025, 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:

Meeting ID: 815 8538 8556

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

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

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

8 If you require the services of an interpreter, one will be provided for you at no charge. Please  
9 notify our office by calling (775) 687-9955 or emailing nvmassgebd@lmt.nv.gov by Wednesday, May  
10 21, 2025, of your request.

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

14 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation,  
15 agreed settlement, consent order, or default. Any attempt to negotiate this case should be made by  
16 contacting **Senior Deputy Attorney General Todd M. Weiss Esq. at 702-486-3103**

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

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22 Dated this 9<sup>th</sup> day of May, 2025.

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24 **NEVADA STATE BOARD OF MASSAGE THERAPY**

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28 ELISABETH BARNARD, Executive Director

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on May 9, 2025 I deposited for mailing at Las Vegas, 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:  
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6 James Ferguson  
7 4453 White Fish Drive  
8 Reno, NV 89511

9 NEVADA STATE BOARD OF MASSAGE THERAPY

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