

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Brian K. Blanchard,

Licensed Massage Therapist
Nevada License No. NVMT.9226

Respondent.

Case No. NVMT-C-23012

**COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Elisabeth Barnard, hereby notifies Brian K. Blanchard ("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. On or about December 19, 2022, while employed as a massage therapist at The Spa at Vdara, located at 2600 W, Harmon Avenue, Las Vegas, NV 89158, Respondent committed sexual assault.

2. Specifically, on that day, Respondent was giving a 100-minute hot stone massage to W. P. in a massage room titled "Retreat 7." W. P. was at the spa with his husband who was in a different room. W. P. had received a massage from Respondent in the past but did not specifically request him on the day of the incident.

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1 3. At the end the massage, Respondent instructed W. P. to turn over onto his back, began
2 massaging W. P.'s legs, and began moving his hands up his thigh towards his genitals.

3 4. Shortly thereafter, Respondent removed the sheet covering W. P. and began to touch,
4 fondle, and masturbate W. P.'s genitals. Respondent then proceeded to put his mouth on W. P.'s
5 genitals.

6 5. At that time, W. P. sat up on the massage table and asked Respondent what he was
7 doing. W. P. was in shock.

8 6. W. P. then laid back down and Respondent finished the massage.

9 7. W. P. later stated to police that the incident lasted about a minute.

10 8. After the incident, Respondent left the room and told W. P. he was sorry for the
11 miscommunication.

12 9. W. P. informed his husband and Respondent's manager about the incident and stated
13 that Respondent had touched him inappropriately. The manager stated that W. P. looked distressed at
14 that time and was being consoled by his husband.

15 10. Hotel Security was then contacted and took Respondent into custody.

16 11. Upon information and belief, Hotel Security called Police.

17 12. Police subsequently contacted Respondent who claimed that at the end of the massage,
18 Respondent was massaging W. P.'s right leg. During that time, W. P.'s sheet covering his body was
19 positioned high on his thigh by his groin. Respondent stated that he picked up the sheet and moved it
20 to cover W. P.'s body so that his genitals were not exposed. Respondent claims that when he moved
21 the sheet, W. P. sat up on the massage table, did not say anything, and then laid back down on the
22 massage table. After which, Respondent finished the massage and left the room.

23 13. Respondent was subsequently criminally charged. (Clark County District Court Case
24 Number: C-23-376818-1).

25 14. As part of the aforementioned criminal case, Defendant admitted in a hand-written
26 statement that he touched and rubbed W. P.'s genitals and admitted that he committed the offense he
27 was accused of. He claimed that at that time of the incident he was under the influence of propofol
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1 due to a colonoscopy he underwent on December 14, 2022. His statement also provides that he is
2 remorseful for the incident.

3 15. Additionally, as part of the criminal case, Respondent underwent a psychosexual
4 evaluation. Within that evaluation, Respondent admitted that while massaging W. P.'s right leg, he
5 removed the sheet covering W. P. and masturbated him.

6 16. As a result of the aforementioned incident, Respondent entered into a guilty plea
7 agreement on August 12, 2024, wherein he pled guilty to Coercion Sexually Motivated (Category B
8 Felony – NRS 207.190, 175.547, 207.193).

9 **VIOLATIONS OF LAW**

10 **COUNT ONE**

11 17. By submitting false and misleading information to an agency of this state, i.e. Las
12 Vegas Metropolitan Police Department, Respondent has violated NRS 640C.700(1). This is grounds
13 for discipline pursuant to NRS 640C.700 and NRS 640C.710.3

14 **COUNT TWO**

15 18. By violating the provisions of NRS 640C and NAC 640C as detailed herein,
16 Respondent has violated NRS 640C.700(2). This is grounds for discipline pursuant to NRS 640C.700
17 and NRS 640C.710.

18 **COUNT THREE**

19 19. By pleading guilty to Coercion Sexually Motivated, Respondent has been convicted of
20 a crime involving a sexual offense and therefore has violated NRS 640C.700(3). This is grounds for
21 discipline pursuant to NRS 640C.700 and NRS 640C.710.

22 **COUNT FOUR**

23 20. By engaging in sexual activity during the course of practicing massage, including
24 touching the genitals of W. P. as defined in NAC 640C.400(2), Respondent violated the provisions of
25 NRS 640C.700(4). This is grounds for discipline pursuant to NRS 640C.700 and NRS 640C.710.

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1 **COUNT FIVE**

2 21. By engaging in sexual activity during the course of practicing massage, including
3 touching of a sexual nature as defined in NAC 640C.400(6), Respondent violated the provisions of
4 NRS 640C.700(4). This is grounds for discipline pursuant to NRS 640C.700 and NRS 640C.710.

5 **COUNT SIX**

6 22. By engaging in sexual activity during the course of practicing massage, including
7 removing W. P.'s draping without consent, as defined in NAC 640C.400(9), Respondent violated the
8 provisions of NRS 640C.700(4). This is grounds for discipline pursuant to NRS 640C.700 and NRS
9 640C.710.

10 **COUNT SEVEN**

11 23. By engaging in sexual activity during the course of practicing massage, including
12 masturbation or any other sex act by the massage therapist, as defined in NAC 640C.400(12),
13 Respondent violated the provisions of NRS 640C.700(4). This is grounds for discipline pursuant to
14 NRS 640C.700 and NRS 640C.710.

15 **COUNT EIGHT**

16 24. By engaging in sexual activity during the course of practicing massage, including a
17 behavior, gesture or expression that may reasonably be interpreted as seductive or sexual, as defined
18 in NAC 640C.400(16), Respondent violated the provisions of NRS 640C.700(4). This is grounds for
19 discipline pursuant to NRS 640C.700 and NRS 640C.710.

20 **COUNT NINE**

21 25. By performing acts beyond the scope of the practice of massage therapy, as defined in
22 NAC 640C.410(b)(4), Respondent has violated NRS 640C.700(9) for engaging in unethical and
23 unprofessional conduct. This is grounds for discipline pursuant to NRS 640C.700 and NRS 640C.710.

24 **COUNT TEN**

25 26. By practicing massage therapy while Respondent's mental and emotional condition
26 impaired his ability to act in a manner consistent with established or customary standards of the
27 practice of massage therapy, as defined in NAC 640C.410(b)(11), Respondent has violated NRS
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1 640C.700(9) for engaging in unethical and unprofessional conduct. This is grounds for discipline
2 pursuant to NRS 640C.700 and NRS 640C.710.

3 **COUNT ELEVEN**

4 27. By practicing massage therapy when a controlled substance was present in
5 Respondent's body, as defined in NAC 640C.410(1)(l), Respondent has violated NRS 640C.700(9)
6 for engaging in unethical and unprofessional conduct. This is grounds for discipline pursuant to NRS
7 640C.700 and NRS 640C.710.

8 **COUNT TWELEVE**

9 28. As detailed herein, by failing to abide by the statutes and regulations relating to the
10 practice of massage therapy, as defined in NAC 640C.410(b)(17), Respondent has violated NRS
11 640C.700(9) for engaging in unethical and unprofessional conduct. This is grounds for discipline
12 pursuant to NRS 640C.700 and NRS 640C.710.

13 **COUNT THIRTEEN**

14 29. By engaging in sexual contact with a client, as defined in NAC 640C.410(b)(18),
15 Respondent has violated NRS 640C.700(9) for engaging in unethical and unprofessional conduct. This
16 is grounds for discipline pursuant to NRS 640C.700 and NRS 640C.710.

17 **PRAYER FOR RELIEF**

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

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

26 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
27 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B,
28 622, 622A and 640C of the Nevada Revised Statutes.

1 THE HEARING WILL TAKE PLACE on **Wednesday, January 8, 2025, commencing at**
2 **9:00 a.m.** or as soon thereafter, at 254 E Plumb Ln., Suite 254, Reno, NV 89502. The hearing may
3 also be attended virtually via Zoom. The Zoom information is as follows:

4 <https://us06web.zoom.us/j/81140143759?pwd=jEcqL1bdrvuauo4AaSVmeZxGjet55t.1>

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6 Meeting ID: 811 4014 3759
7 Passcode: 140912

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

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

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

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

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

23 If you require the services of an interpreter, one will be provided for you at no charge. Please
24 notify our office by calling (775) 687-9955 or emailing nvmassgebd@lmt.nv.gov by Tuesday,
25 December 31, 2024, of your request.

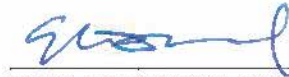
26 Should the Respondent fail to appear at the hearing, a decision may still be reached by the
27 Board. As the Respondent, you are further advised that you may be charged with the attorney's fees
28 and/or costs associated with the hearing pursuant to NRS 622.400.

1 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by stipulation,
2 agreed settlement, consent order, or default. Any attempt to negotiate this case should be made by
3 contacting Senior Deputy Attorney General, Todd Weiss at tweiss@ag.nv.gov or (702) 281-5256.

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

8 Dated this 19th day of December, 2024.

9 **NEVADA STATE BOARD OF MASSAGE THERAPY**

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ELISABETH BARNARD, Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 19, 2024, I deposited for mailing at Reno, Nevada, via Certified U.S. Mail, with return receipt and postage prepaid, a true and correct copy of the foregoing **COMPLAINT AND NOTICE OF HEARING**, properly addressed as follows:

Brian K. Blanchard
105 Lantern Bay Dr
Boulder City, NV 89005

NEVADA STATE BOARD OF MASSAGE THERAPY



Employee

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