

BEFORE THE NEVADA STATE BOARD OF
MASSAGE THERAPY

In the Matter of:

Case No. NVMT-C-25045

BYRON PROVOST, JR.,

Licensed Massage Therapist
Nevada License No. 12816,

Respondent.

**AMENDED COMPLAINT AND
NOTICE OF HEARING**

The Nevada State Board of Massage Therapy (Board), by and through its Executive Director, Elisabeth Barnard, hereby notifies BYRON PROVOST, JR. ("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.

1 3. On or about April 4, 2025, while working at Massage Envy located at 8950 W.
2 Charleston Blvd. Las Vegas, NV 89117, RESPONDENT performed a massage on a male client, C.F.
3 The client requested 90-minute massage.

4 4. During said massage, RESPONDENT removed the client's covering, touched and
5 massaged the client's rectum, and kissed his buttock.

6 5. As a consequence of these actions, RESPONDENT was arrested and charged with
7 Sexual Assault (LLV250400013591)

8 6. As a further consequence of these actions, on or about June 10, 2025, RESONDENT
9 pled guilty, through an Alford plea, to a Category B felony of Coercion with Physical Force or
10 Immediate Threat of Physical Force which will be reduced to a gross misdemeanor of Conspiracy to
11 Commit Battery if he successfully completes a term of probation. As part of the Alford plea,
12 RESPONDENT expressly did not contest any of the alleged facts that formed the basis for his criminal
13 charge. (Please see Plea Agreement attached hereto as "Exhibit A").
14

15 **VIOLATIONS OF LAW**

16 **COUNT ONE**

17 7. Failing to respect and maintain a client's right to privacy as per NAC
18 640C.410(1)(b)(13).

19 **COUNT TWO**

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

21 **COUNT THREE**

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

24 **COUNT FOUR**

25 10. Engaging in and/or soliciting sexual activity during the course of practicing massage
26 therapy, with or without the consent of the person, as per NRS 640C.700(4).
27

28 **COUNT FIVE**

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

COUNT SIX

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

PRAYER FOR RELIEF

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

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.

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 **October 1, 2025, commencing at 9:00 a.m.** or as soon thereafter, at 254 E Plumb Ln., Suite 254, Reno, NV 89502. The hearing may also be attended virtually via Zoom. The Zoom information is as follows:

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

<https://us06web.zoom.us/j/89778020789?pwd=1N067BPNtsd55SjRrSXhziRFZBPphA.1>

Meeting ID: 897 7802 0789
Passcode: 908314

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.

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

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

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

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

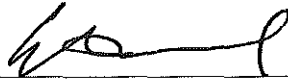
16 Should the Respondent fail to appear at the hearing, a decision may still be reached by the
17 Board. As the Respondent, you are further advised that you may be charged with the attorney's fees
18 and/or costs associated with the hearing pursuant to NRS 622.400.

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

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

26
27 Dated this 10th day of September, 2025.
28

NEVADA STATE BOARD OF MASSAGE THERAPY



ELISABETH BARNARD, Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 10th, 2025 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: :

Byron Provost, Jr.
1455 E. Katie Ave., Apt. 021
Las Vegas, NV 89119

Law Offices of Garrett T. Ogata
2880 W Sahara Ave
Las Vegas, NV 89102

NEVADA STATE BOARD OF MASSAGE THERAPY



Employee

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Steven D. Grierson

1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #1565**
5 **ELISE CONLIN**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #14856**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155**
10 **PH: (702) 671-2500**
11 **FAX: (702) 868-2412**
12 **DAInfo@clarkcountydانv.gov**
13 **Attorney for the Plaintiff**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**

12 **-vs-**

13 **BYRON ALONZO PROVOST, JR**
14 **#8818478**

15 **Defendant.**

CASE NO: C-25-391975-1

DEPT NO: XXV

16 **GUILTY PLEA AGREEMENT**

17 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),
18 to the charges listed below, as more fully alleged in the charging document attached hereto:

19 **COERCION WITH PHYSICAL FORCE OR IMMEDIATE THREAT OF**
20 **PHYSICAL FORCE (Category B Felony - NRS 207.190 - NOC 53159)**

21 My decision to plead guilty is based upon the Alford plea agreement in this case which
22 is as follows:

23 The State will not oppose my being granted probation for a term not to exceed two (2)
24 years. Both parties stipulate to my being released onto my own recognizance at the entry of
25 plea. I am to have no contact by any means and/or manner whatsoever with the victim in the
26 instant case. Should I receive and successfully complete probation with an honorable
27 discharge, I may withdraw the instant plea and enter a plea of guilty to CONSPIRACY TO
28 COMMIT BATTERY (Gross Misdemeanor - NRS 200.481, 199.480 - NOC 50243), with

1 credit for time served. However, I understand that I am not eligible for the reduction in plea if,
2 at any time after entry of plea, one or more of the following events occur:

3 (1) I fail to complete an interview with the Division of Parole and Probation
4 within fifteen (15) days of my entry of plea and a Failure to Appear Presentence
5 Investigation Report is filed in this case;

6 (2) I violate any directives of the Court, including but not limited to the order to
7 have no contact by any means and/or manner whatsoever with the victim in the
8 instant case.

9 (3) I fail to appear at any subsequent hearings in the instant case;

10 (4) I fail to pay any and all restitution ordered before the close of my probation;

11 (5) I am arrested on any new charges before the close of my probation;

12 (6) The Court finds me in violation of probation, regardless of whether my grant
13 of probation is revoked.

14 All remaining counts contained in the Criminal Complaint which were bound over to
15 District Court shall be dismissed when I am adjudged guilty and sentenced.

16 I agree to the forfeiture of any and all property seized and/or impounded in connection
17 with the instant case and/or any other case negotiated in conjunction with this plea agreement
18 unless such property is specifically excluded from forfeiture by the language of this agreement.

19 I understand and agree that, if I fail to interview with the Department of Parole and
20 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
21 by affidavit review, confirms probable cause against me for new criminal charges including
22 reckless driving or DUI, but excluding minor traffic violations, the State will have the
23 unqualified right to argue for any legal sentence and term of confinement allowable for the
24 crime to which I am pleading guilty, including the use of any prior convictions I may have to
25 increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without the
26 possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-
27 five (25) year term with the possibility of parole after ten (10) years.

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1 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
2 plea agreement.

3 CONSEQUENCES OF THE PLEA

4 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
5 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
6 trial on the original charge and of also receiving a greater penalty. I understand that my
7 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
8 is based upon my belief that the State may present sufficient evidence at trial that a jury may
9 return a verdict of guilty of a greater offense or of more offenses than that to which I am
10 pleading guilty.

11 I understand that in pleading guilty by way of the Alford decision, I am not contesting
12 the facts, which the State asserts, support all the elements of the offense(s) to which I now
13 plead as set forth in the charging document attached hereto.

14 I understand that as a consequence of my plea of guilty by way of the Alford decision
15 to COERCION WITH PHYSICAL FORCE OR IMMEDIATE THREAT OF PHYSICAL
16 FORCE, the Court must sentence me to imprisonment in the Nevada Department of
17 Corrections for a minimum term of not less than ONE (1) year and a maximum term of not
18 more than SIX (6) years. The minimum term of imprisonment may not exceed forty percent
19 (40%) of the maximum term of imprisonment. I understand that I may also be fined up to
20 \$5,000.00. I understand that the law requires me to pay an Administrative Assessment Fee.

21 I understand that, if appropriate, I will be ordered to make restitution to the victim of
22 the offense to which I am pleading guilty and to the victim of any related offense which is
23 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
24 reimburse the State of Nevada for any expenses related to my extradition, if any.

25 I understand that I am eligible for probation for the offense to which I am pleading
26 guilty. I understand that, except as otherwise provided by statute, the question of whether I
27 receive probation is in the discretion of the sentencing judge.

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1 I understand that I must submit to blood and/or saliva tests under the Direction of the
2 Division of Parole and Probation to determine genetic markers and/or secretor status.

3 I understand that information regarding charges not filed, dismissed charges, or charges
4 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

5 I have not been promised or guaranteed any particular sentence by anyone. I know that
6 my sentence is to be determined by the Court within the limits prescribed by statute.

7 I understand that if my attorney or the State of Nevada or both recommend any specific
8 punishment to the Court, the Court is not obligated to accept the recommendation.

9 I understand that if the offense to which I am pleading guilty was committed while I
10 was incarcerated on another charge or while I was on probation or parole that I am not eligible
11 for credit for time served toward the instant offense.

12 I understand that the Division of Parole and Probation will prepare a report for the
13 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
14 sentencing, including my criminal history. This report may contain hearsay information
15 regarding my background and criminal history. My attorney and I will each have the
16 opportunity to comment on the information contained in the report at the time of sentencing.
17 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
18 comment on this report.

19 WAIVER OF RIGHTS

20 By entering my plea of guilty, I understand that I am waiving and forever giving up the
21 following rights and privileges:

- 22 1. The constitutional privilege against self-incrimination, including the right
23 to refuse to testify at trial, in which event the prosecution would not be
allowed to comment to the jury about my refusal to testify.
- 24 2. The constitutional right to a speedy and public trial by an impartial jury,
25 free of excessive pretrial publicity prejudicial to the defense, at which
26 trial I would be entitled to the assistance of an attorney, either appointed
or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense charged.
- 27 3. The constitutional right to confront and cross-examine any witnesses who
28 would testify against me.

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4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction or resulting sentence with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this prosecution, conviction, or any aspect of the resulting sentence, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge against me with my attorney and I understand the nature of the charge against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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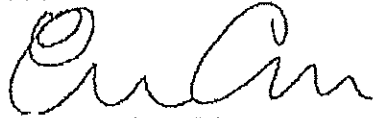
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1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 10 day of June, 2025.

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5 
6 BYRON ALONZO PROVOST, JR.
7 Defendant

8 AGREED TO BY:

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10 ELISE CONLIN
11 Chief Deputy District Attorney
12 Nevada State Bar No. 14856
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CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

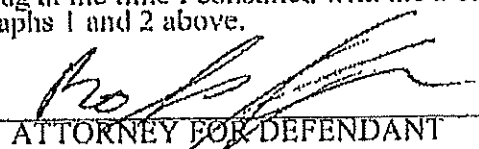
1. I have fully explained to the Defendant the allegations contained in the charge to which guilty pleas are being entered.
2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

- a. The removal from the United States through deportation;
- b. An inability to reenter the United States;
- c. The inability to gain United States citizenship or legal residency;
- d. An inability to renew and/or retain any legal residency status; and/or
- e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.
5. To the best of my knowledge and belief, the Defendant:
 - a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.
 - b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 10 day of June, 2025.


ATTORNEY FOR DEFENDANT

hjc/SVU

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 ELISE CONLIN
6 Chief Deputy District Attorney
7 Nevada Bar #14856
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountynv.gov
Attorney for the Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO: C-25-391975-1

DEPT NO: XXV

12 -vs-

13 BYRON ALONZO PROVOST, JR.,
14 #8818478

15 Defendant,

INFORMATION

16 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
17 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

18 That BYRON ALONZO PROVOST, JR., as Defendant above named, within the
19 County of Clark, State of Nevada, on or about April 4, 2025, committed the following crime:

20 COERCION WITH PHYSICAL FORCE OR IMMEDIATE THREAT OF
21 PHYSICAL FORCE (Category B Felony - NRS 207.190 - NOC 53159), to-wit:

22 BYRON ALONZO PROVOST, JR. did willfully, unlawfully, and feloniously use
23 physical force, or the immediate threat of such force, against C.F., with intent to compel C.F. to
24 do, or abstain from doing, an act which C.F. had a right to do, or abstain from doing, by
25 preventing C.F. from leaving the presence of Defendant.

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1 All of which is contrary to the form, force and effect of statutes in such cases made and
2 provided, and against the peace and dignity of the State of Nevada.

3 STEVEN B. WOLFSON
4 Clark County District Attorney

5 BY

6 
7 ELISE CONLIN
8 Chief Deputy District Attorney
9 Nevada Bar #14856
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25-CR-042877/hjc/SVU
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