BEFORE THE MASSAGE THERAPY BOARD OF THE STATE OF NEW MEXICO

IN THE MATTER OF:

RORY ARMSTRONG, LICENSE NO. 5776 (INACTIVE) **CASE NO. 11-07-08**

Respondent.

AMENDED DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Massage Therapy Board (hereinafter "Board") during its regularly scheduled meeting on November 20, 2013, for a decision in the above-referenced matter. With a quorum present and a unanimous vote in the affirmative, the Board finds as follows:

FINDINGS OF FACT

- 1. On or about July 4, 2013, the Board issued a Notice of Contemplated Action ("NCA") against Respondent in case number 11-07-08. The NCA stated that the Board had sufficient evidence to justify the Board in imposing discipline, including taking action to suspend or revoke Respondent's license to practice massage therapy, based on alleged violations of the Massage Therapy Practice Act (hereinafter "Practice Act"), NMSA 1978, §§ 61-12C-1 to -28, and Title 16, Chapter 7 of the New Mexico Administrative Code (hereafter, "NMAC").
- 2. The NCA stated that, unless explained or rebutted at a formal hearing, Respondent's alleged conduct justified the Board in taking action to revoke Respondent's massage therapy license.
- 3. On or about July 9, 2013, the Board mailed Respondent an NCA in case number 11-07-08 via certified mail, return receipt requested, to the following three addresses linked to

In the Matter Of: Rory Armstrong License No. 5776 (Inactive) Case No. 11-07-08 Amended Default Order Page 1 of 4 Respondent: (1) 605-C Los Arboles NW, Albuquerque, NM 87107; (2) 2921 Carlisle Blvd NE,

Albuquerque, NM 87110; and (3) PO Box 6912, Albuquerque, NM 87197-6912. The Board also

sent Respondent notice of the NCA via email to yupts@yahoo.com.

4. The United States Postal Service ("USPS") attempted to deliver the NCA to

Respondent's 605-C Los Arboles NW, Albuquerque, NM 87107 address on the following dates:

July 11, 17, and 27, 2013. The NCA was ultimately returned to the Board Office on August 7,

2013, with a note stating "return to sender/unclaimed/unable to forward."

5. The United States Postal Service ("USPS") attempted to deliver the NCA to

Respondent's 2921 Carlisle Blvd NE, Albuquerque, NM 87110 address. The NCA was

ultimately returned to the Board Office on July 14, 2013, with a note stating "return to

sender/attempted - not known/unable to forward."

6. The United States Postal Service ("USPS") attempted to deliver the NCA to

Respondent's PO Box 6912, Albuquerque, NM 87197-6912 address on July 12, 2013. The NCA

was ultimately returned to the Board Office on July 23, 2013, with a note stating "return to

sender/vacant/unable to forward."

7. Respondent did not request a hearing within twenty (20) days of service of the NCA

as contemplated by Sections 61-1-4 and 61-1-5 of the Uniform Licensing Act ("ULA"), NMSA

1978, §§ 61-1-1 to -34.

8. Respondent otherwise failed to respond to the NCA.

In the Matter Of: Rory Armstrong License No. 5776 (Inactive) Case No. 11-07-08 Amended Default Order **CONCLUSIONS OF LAW**

Based on the findings of fact, the Board reaches the following conclusions of law:

1. The Board has jurisdiction over Respondent and the subject matter of this

proceeding.

2. Section 61-1-5 of the ULA provides that, where notice is served via certified mail.

"it shall be deemed to have been served on the date borne by the return receipt showing delivery

or the last attempted delivery [.]" NMSA 1978, § 61-1-5.

3. Service of the NCA upon Respondent's 605-C Los Arboles NW, Albuquerque,

NM 87107 address was accomplished via certified mail, in accordance with Sections 61-1-4 and

61-1-5 of the ULA, on July 27, 2013.

4. Service of the NCA upon Respondent's 2921 Carlisle Blvd NE, Albuquerque,

NM 87110 address was attempted via certified mail, in accordance with Sections 61-1-4 and 61-

1-5 of the ULA, however, the USPS was ultimately unable to deliver the NCA and returned it to

the Board Office on July 14, 2013, with a note stating "return to sender/attempted - not

known/unable to forward."

5. Service of the NCA upon Respondent's PO Box 6912, Albuquerque, NM 87197-

6912 address was accomplished via certified mail, in accordance with Sections 61-1-4 and 61-1-

5 of the ULA, on July 12, 2013.

6. More than twenty (20) days have passed since Respondent was served with the

NCA and Respondent has failed to request a hearing or otherwise respond to the NCA; thus, the

Board is authorized to take the action contemplated in the NCA pursuant to Section 61-1-4(E) of

the ULA.

In the Matter Of: Rory Armstrong License No. 5776 (Inactive)

- 7. The Board has complied with all notice and other procedural requirements of the Practice Act and the ULA.
- 8. This order is final and not subject to judicial review. See NMSA 1978, § 61-1-4(E).

ORDER

Based on the above findings of fact and conclusions of law, the Board THEREFORE ORDERS that Respondent's massage therapy license is REVOKED.

FOR THE NEW MEXICO MASSAGE THERAPY BOARD

Elizabeth Harris

Mairwoman

Date: 1 2014

BEFORE THE MASSAGE THERAPY BOARD OF THE STATE OF NEW MEXICO

IN THE MATTER OF:

RORY ARMSTRONG, Inactive LMT License Number 5776,

Respondent.

Case No. 11-07-08

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Massage Therapy Board (the "Board") has before it sufficient evidence that, if not rebutted or explained at a formal administrative hearing, will justify the Board in imposing such penalties as may be permitted by law.

The Board has jurisdiction to hear this matter and to take disciplinary action against you pursuant to the Massage Therapy Practice Act, NMSA 1978, § 61-12C-1 through § 61-12C-28, (the "Act"), and pursuant to the rules and regulations of the Board promulgated in Title 16, Chapter 7 of the New Mexico Administrative Code at 16.7.1 through 16.7.16 NMAC (the "Rules" or "Regulations"). Specifically, the Act gives the Board the power to regulate massage therapy practice:

§ 61-12C-2. Legislative purpose.

In the interest of public health, safety and welfare and to protect the public from unlawful, improper and incompetent practice of massage therapy, it is necessary to regulate that practice. NMSA 1978, § 61-12C-2.

The Act further provides that the Board has the power to take discipline against its licensees and to impose upon a Respondent the costs of the disciplinary proceeding:

§ 61-12C-24. Denial, suspension, revocation and reinstatement of licenses.

- B. The board has authority to take an action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that the licensee, registrant or applicant:
 - * * *
- (6) is guilty of unprofessional or unethical conduct or a violation of the code of ethics;
 - * * *
- (8) is guilty of false, deceptive or misleading advertising;
- (9) is guilty of aiding, assisting or advertising any unlicensed or unregistered person in the practice of massage therapy;
- (10) is grossly negligent or incompetent in the practice of massage therapy; [or]
- (12) is guilty of failing to comply with a provision of the Massage Therapy Practice Act or rules of the board adopted pursuant to that act and filed in accordance with the State Rules Act [14-4-1 NMSA 1978].
- E. License and registration holders who have been found culpable and sanctioned by the board shall be responsible for the payments of all costs of the disciplinary proceedings.

NMSA 1978, § 61-12C-24 (B) (6), (8) to (10), (12) and (E).

The actions that the Board can take are found in Section 61-1-3 of the

* * *

Uniform Licensing Act, and include, among other things, the power to refuse a license renewal and to impose a monetary fine:

§ 61-1-3. Opportunity for licensee or applicant to have hearing.

Every licensee or applicant shall be afforded notice and an opportunity to be heard, before the board has authority to take any action which would result in:

* * *

or

- D. withholding the renewal of a license for any cause other than:
 - (1) failure to pay the required renewal fee;
 - (2) failure to meet continuing education requirements;
- (3) issuance of a temporary license extension if authorized by statute;
 - E. suspension of a license;
 - F. revocation of a license;
 - G. restrictions or limitations on the scope of a practice;
- H. the requirement that the applicant complete a program of remedial education or treatment;
- I. monitoring of the practice by a supervisor approved by the board;
 - J. the censure or reprimand of the licensee or applicant;
- K. compliance with conditions of probation or suspension for a specific period of time;
- L. payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law; [or]
 - M. corrective action, as specified by the board[.] ...

NMSA 1978, § 61-1-3 (D) through (M).

The Board is authorized by the Regulations to engage in the process of disciplining licensees by issuing a Notice of Contemplated Action advising a Respondent about the alleged acts that are in violation of the Act and the

Regulations:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 14 - COMPLAINTS

16.7.14.11 BOARD ACTION:

* * *

C. If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, the board may vote to issue a notice of contemplated action.

* * *

E. The board may take any other action with regard to a complaint which is within its authority and which is within the law, including referring the complaint to the attorney general for injunctive proceedings, or referring the complaint to district attorneys for prosecution of persons alleged to be practicing massage therapy without a proper license or registration.

New Mexico Administrative Code ("NMAC") 16.7.14.11 C. and E. The following Regulation, also contained in Part 14, includes hearing procedures and also gives the Board the power to impose the costs of the disciplinary proceeding:

16.7.14.13 NOTICE OF CONTEMPLATED ACTION:

- A. All disciplinary proceedings will be conducted in accordance with the Uniform Licensing Act.
- B. The board chair, or his/her designee, will serve as hearing officer for disciplinary proceedings for the purpose of administering pre-hearing procedural matters. The hearing officer will be fully authorized to make all necessary procedural decisions on behalf of the board, including, but not limited to, matters related to discovery, continuances, time extensions, amendments, pre-hearing conferences, and proposed findings of fact and conclusions of law.
- C. The hearing officer may make such orders as he or she determines may be necessary to implement the authority conferred by Subsection B of 16.7.14.13 NMAC above, including but not limited to

discovery schedules, pleading schedules, and briefing schedules.

- D. No party will engage in ex-parte communications with the hearing officer or any member of the board in any matter in which a notice of contemplated action has been issued.
- E. Licensees and registrants who have been found culpable and sanctioned by the board will be responsible for the payments of all costs of the disciplinary proceedings.
- F. Any license or registration, including a wall certificate, issued by the board and subsequently suspended or revoked will be promptly returned to the board office, but no later than 30 days of receipt by the licensee or registrant of the board's order suspending or revoking the license.

NMAC 16.7.14.13.

A "Notice of Contemplated Action" is defined in the Regulations to mean:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 1 - GENERAL PROVISIONS 16.7.1.7 DEFINITIONS:

* * *

EE. "Notice of contemplated action" means the administrative process used by the board for a licensee, registrant or applicant for licensure or registration to be afforded notice and an opportunity to be heard in a formal hearing before the board, before the board has authority to take any action which would result in denial, suspension, revocation, restriction, probation, monitoring, censuring, etc., of a license, registration, application or licensure or registration. . ..

NMAC 16.7.1.7 EE.

The Board has the power to take action against the Respondent, an inactive licensee, for failing to comply with the provisions of the Act or with the Rules/Regulations adopted by the Board.

Notice of Contemplated Action Inactive LMT Licensee RORY ARMSTRONG Massage Therapy Board Case No. 11-07-08 Page 5 of 17 As contained in the "Nature of Evidence against Respondent" portion herein below, the sections of the Act alleged to have been violated by Respondent's actions in this matter are:

<u>Unlicensed Massage Therapy</u>

§ 61-12C-5. License or registration required.

- A. A person shall not provide or offer to provide massage therapy for compensation unless that person is a massage therapist.
- B. A person shall not use the title of or represent himself to be a massage therapist or use any other title, abbreviations, letters, figures, signs or devices that indicate the person is a massage therapist unless he is a massage therapist[.] ...

NMSA 1978, § 61-12C-5 (A) and (B). This portion of the Act makes clear that a license is required before massage therapy services can be performed for monetary compensation in New Mexico.

The Rules also require that a person must be licensed by the Board before they can provide or offer to provide massage therapy services for payment:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 MASSAGE THERAPISTS PART 4 REQUIREMENTS FOR LICENSURE

16.7.4.8 LICENSE OR REGISTRATION REQUIRED:

A. Massage therapists: A person must be licensed by the board in order to legally provide or offer to provide massage therapy services for compensation, as defined in 16.7.1.7 NMAC; or to use the title or represent him/herself to be a massage therapist; or to use any other title, abbreviations, letters, figures, signs or devices that indicate the person is a massage therapist.

* * *

Notice of Contemplated Action Inactive LMT Licensee RORY ARMSTRONG Massage Therapy Board Case No. 11-07-08 Page 6 of 17

NMAC 16.7.4.8 A.

Failure to Display License and to Disclose Licensure in Advertising

A licensed massage therapist is required to display their license in the business of the massage therapist:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 1 - GENERAL PROVISIONS

16.7.1.8 MASSAGE THERAPY LICENSE AND REGISTRATION:

- A. License/registration display:
- (1) A current license/registration must be displayed and must be visible to the public in the principal place of employment or business of the massage therapist or registrant.
- (2) A licensee/registrant must practice massage therapy or provide massage therapy training under the name inscribed on the license or registration.

NMAC 16.7.1.8 A.

A licensee must disclose their licensure in all advertising:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 2 - PROFESSIONAL CONDUCT

16.7.2.8 CODE OF PROFESSIONAL CONDUCT:

E. Representation of services:

- (4) Each licensee will include in any advertisement for massage:
- (a) his/her full name as licensed with the board and license number; and
 - (b) the designation or abbreviation as a

Notice of Contemplated Action Inactive LMT Licensee RORY ARMSTRONG Massage Therapy Board Case No. 11-07-08 Page 7 of 17 "licensed massage therapist" or "LMT"; "registered massage therapy instructor" or "RMTI"; and "registered massage therapy school" or "RMTS".

* * *

NMAC 16.7.2.8 E. (4). Under these Regulations, the Board may take action against Respondent RORY ARMSTRONG for failure to display the massage therapy license and for failure to disclose the "LMT" designation and license number in any advertisement.

Code of Professional Conduct Violation

The Board may take action against a licensee for unethical conduct, for a violation of the sexual contact prohibition contained in the code of professional conduct, for failing to conduct themselves with honesty and integrity, and for failing to cooperate with the Board in its disciplinary proceedings.

The Regulation that gives the Board the power to take disciplinary action against Respondent RORY ARMSTRONG for violation of the professional conduct Rules is:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 2 - PROFESSIONAL CONDUCT

16.7.2.6 OBJECTIVE: This part is to establish the standards against which the required professional conduct of a massage therapist is measured. Each licensee and registrant will be governed by this part whenever providing massage therapy services in a professional context. A violation of this part is sufficient reason for disciplinary action pursuant to the Massage Therapy Practice Act under the

Uniform Licensing Act.

NMAC 16.7.2.6.

The Regulations that prohibit sexual conduct are:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 1 - GENERAL PROVISIONS 16.7.1.7 DEFINITIONS:

* * *

RR. "Sexual conduct" includes, but is not limited to, sexual intercourse, indecent exposure, sexual assault, non-therapeutic anogenital contact or any offer or agreement to engage in any such activities. . ..

NMAC 16.7.1.7 RR. Also applicable is:

TITLE 16 - OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 - MASSAGE THERAPISTS PART 2 - PROFESSIONAL CONDUCT 16.7.2.8 CODE OF PROFESSIONAL CONDUCT:

B. Dual relationship: It is presumed that a power imbalance exists in professional relationships between licensees and clients. Therefore each licensee, in interacting with a client or former client to whom the licensee has at anytime within the previous three (3) months rendered massage therapy services or instruction, shall not:

* * *

(2) engage in sexual conduct[.]

NMAC 16.7.2.8 B. (2).

The Regulations that require licensees to conduct their professional activities with honesty and integrity, and to cooperate with any investigation into allegations made against a licensee are:

Notice of Contemplated Action Inactive LMT Licensee RORY ARMSTRONG Massage Therapy Board Case No. 11-07-08 Page 9 of 17

16.7.2.8 CODE OF PROFESSIONAL CONDUCT:

C. Client welfare:

(1) Licensees will conduct their business and professional activities with honesty and integrity.

* * *

G. Resolving professional conduct issues:

- (1) Each licensee has an obligation to be familiar with this part. Lack of knowledge of professional conduct standard is not itself a defense to a charge of unethical conduct.
- (2) Each licensee will cooperate with investigations, proceedings, and resulting requirements of this part. Failure to cooperate is itself an ethics violation.

NMAC 16.7.2.8 C. (1), and G. (1) and (2).

Civil Penalty

The Board contemplates imposing a fine of one thousand dollars (\$1,000.00) per established violation against Respondent RORY ARMSTRONG. See above NMSA 1978, § 61-1-3 (L) (payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law).

In addition to the statute, the Rules give the Board the express power to impose a civil penalty upon Respondent RORY ARMSTRONG, and to impose the payment of the investigative costs and the costs of conducting the hearing if Respondent RORY ARMSTONG is shown to have engaged in the unlicensed practice of massage therapy:

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 7 MASSAGE THERAPISTS PART 12 LICENSE/REGISTRATION RENEWAL 16.7.12.16 UNLICENSED PRACTICE PROHIBITED:

* * *

- B. In accordance with the Uniform Licensing Act, Section 61-1-3.2, NMSA 1978 (2003 Repl. Pamp), any person, company, firm, or entity who is not licensed or registered by the board is subject to disciplinary actions and proceedings by the board if it is determined that he, she, or it, has been offering or providing massage therapy instruction; or offering or providing educational training in massage therapy in New Mexico without a valid New Mexico license or registration.
- C. The board may impose a civil penalty in an amount not to exceed one thousand dollars (\$1,000) against any person, company, firm, or entity that violates the Massage Therapy Practice Act by practicing without a valid New Mexico license.
- D. In addition, the board may assess the person, company, firm, or entity engaging in the unlicensed practice of massage therapy, massages therapy instruction, or massage therapy education, the administrative costs, including investigative costs and the costs of conducting a hearing.

NMAC 16.7.12.16 (B) to (D).

The Board contemplates taking action against the massage therapy license of Respondent RORY ARMSTRONG including, but not limited to, denying license renewal, imposing license renewal restrictions, imposing license revocation or suspension, and the Board contemplates taking other action as ordered by the Board pursuant to law, including but not limited to the imposition of fines and penalties and the imposition of the administrative costs of the investigation and the hearing. The Board has the power to take action against the Respondent RORY

ARMSTRONG for failing to comply with the provisions of the Act and the Rules/Regulations adopted by the Board. In addition, other violations of the Act or the Rules/Regulations may be found as may be developed at the time of the administrative hearing.

NATURE OF EVIDENCE AGAINST RESPONDENT

- 1. A complaint was lodged in this matter on July 20, 2011.
- 2. In the Complaint, the Complainant alleges that on June 16, 2011, Respondent RORY ARMSTRONG provided massage therapy services to her.
- 3. The Complainant compensated Respondent RORY ARMSTRONG for these massage therapy services.
- 4. Respondent RORY ARMSTRONG published a brochure for "Yu Points World Massage."
- 5. The brochure has the designation of "LMT" after Respondent RORY ARMSTRONG's name.
- 6. A publication entitled "ABQ 50+ Activities Catalog · July-December, 2011" lists Respondent RORY ARMSTRONG as available for chair massage and for table massage for compensation.
- 7. This publication does not disclose Respondent RORY ARMSTRONG's licensure.

- 8. At some point in time during the June 16, 2011 massage, Respondent RORY ARMSTRONG noticed that his client, the Complainant in this matter, was sweating between her thighs.
- 9. Respondent RORY ARMSTRONG acknowledges that he said that the Complainant "was wet there".
- 10. The Complainant alleges that the Respondent RORY ARMSTRONG thereafter deliberately touched her between the legs on her clothed genitalia.
- 11. The Complainant alleges that while Respondent RORY

 ARMSTRONG touched her clothed genitalia, he said "You're wet," and that he also said, and repeated a couple of times the words "I'd love to help you out there, but the walls are thin," or words to that effect.
- 12. All certified letters sent by Regulation and Licensing Division ("RLD") staff enclosing copies of the Complaint to Respondent RORY ARMSTRONG were returned as undeliverable.
- 13. On February 2, 2012, RLD staff sent an email to Respondent RORY ARMSTRONG, and attached a copy of the Complaint to the email.
- 14. On February 9, 2012, Respondent RORY ARMSTRONG responded to the email.
 - 15. In the emailed response by Respondent RORY ARMSTRONG, he

responded to the Complaint; he admitted that his license was expired; he admitted that he provided a "full body session" to the Complainant; and he stated that "[T]here are a great many love relations started between consenting adults where one was the client and the other the massage therapist. That was not my intention. Even if the client informed me of her spouse's lack of attention."

16. In the email response, Respondent indicates that he will accept email communications: "If you have any questions I have not answered in this e-mail, write back and I will do my best to answer."

RESPONDENT'S RIGHT TO A HEARING

The hearing, if requested, will be conducted in accordance with the Uniform Licensing Act ("ULA"). A licensee entitled to a hearing has the following rights under the ULA:

§ 61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued

pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

- B. Upon written request to another party, any party is entitled to:
- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

NMSA 1978, § 61-1-8.

CONCLUSION

The evidence before the Board, summarized above, if not rebutted or explained at a formal hearing, is sufficient to justify the Board imposing a fine and/or penalties; restricting your ability to renew your license; restricting, revoking or suspending your license to practice as a Massage Therapist in the State of New Mexico; and imposing such other penalties as may be permitted by law.

The Board will take the contemplated action unless, within twenty (20) days after service of this Notice, the Respondent requests a formal hearing by certified mail return receipt requested. Such a request for a formal hearing should be mailed to Laura Romero Halama, Compliance Team Leader; New

State of New Mexico; and imposing such other penalties as may be permitted by law.

The Board will take the contemplated action unless, within twenty (20) days after service of this Notice, the Respondent requests a formal hearing by certified mail return receipt requested. Such a request for a formal hearing should be mailed to Laura Romero Halama, Compliance Team Leader; New Mexico Massage Therapy Board; P.O. Box 25101; Santa Fe, NM 87504-5101.

Date____July 4, 2013

Elizabeth A. Harris, LMT, Chairperson NM Massage Therapy Board c/o Laura Romero Halama, Compliance Team Leader NM Regulation & Licensing Department 2550 Cerrillos Road, Second Floor Santa Fe, New Mexico 87505-3260 (505) 476-4870

Administrative Prosecutor:

David Dayog Black Assistant Attorney General NM Attorney General's Office 408 Galisteo Street Santa Fe, NM 87501-2645 (505) 827-6624

CERTIFICATE OF SERVICE

A true copy of this Notice of Contemplated Action was sent to Respondent

RORY ARMSTRONG by email, with "email sent delivery verification

requested" at <yupts@yahoo.com>, and by certified mail, return receipt

requested, on this _____ day of ______2013 as follows:

Rory Armstrong

605-C Los Arboles NW Albuquerque, NM 87107

Rory Armstrong 2921 Carlisle Bl. NE Albuquerque, NM 87110

Rory Armstrong PO Box 6912 Albuquerque, NM 87197-6912

Return Receipt Requested

Certified Mail No.: 7099 3400 009 5298

Certified Mail No.: 7099 3400 0019 5298
Return Receipt Requested

Certified Mail No.: 7099 3400 0019 5298 Return Receipt Requested

By:

Laura Romero Halama Compliance Team Leader NM Massage Therapy Board 2550 Cerrillos Road, Second Floor Santa Fe, New Mexico 87505-3260