

BEFORE THE STATE OF NEW MEXICO MASSAGE THERAPY BOARD

IN THE MATTER OF:

Joseph Raymond
License No. 7021(exp.)

Case No. MT 17-10-APP

Respondent.

PRE-NCA SETTLEMENT AGREEMENT AND WAIVER OF TIME LIMITS

WHEREAS, the State of New Mexico Massage Therapy Board (the "Board") has referred the above-captioned case to the Office of the Attorney General for issuance of a Notice of Contemplated Action ("NCA") as a consequence of the complaint received by the Board February 3, 2017, and

WHEREAS, the parties are willing to resolve this matter amicably and without a hearing,

IT IS HEREBY AGREED AS FOLLOWS:

1. Jurisdiction. The Respondent at all times relevant to these proceedings was a licensee of the Board. The Board has jurisdiction over the Respondent and the subject matter.
2. The Respondent acknowledges that he is currently on supervised release under case number 1:14CR00588 in the United States District Court in the District of New Mexico.
3. Discipline. The Board shall take no further action against Respondent with respect to the matters in the subject Complaint, and will issue his license to him, provided that the Respondent complies with the following:
 - a. Respondent shall ensure that he is at all times in compliance with all terms of probation supervision. Any action that would be a violation of the terms of Respondent's supervision is also a violation of this Agreement and may result in the revocation of Respondent's license.

b. Respondent must turn in compliance reports, prepared by his probation officer, to the Board Office. The compliance reports are due November 2017, March 2018, June 2018, and December 2018. It is the Respondent's sole responsibility to ensure that these are received by the Board Office by the due date.

c. Respondent agrees that the Board may contact his probation officer at any time, and Respondent agrees to sign any release necessary to allow the Board to speak with his probation officer and to obtain information about his compliance with or violation of any terms of his probation.

c. Respondent will remain in compliance with all other applicable provisions of the New Mexico Massage Therapy Practice Act and the Rules and Regulations of the State of New Mexico Massage Therapy Board.

4. Waiver of rights.

a. The Respondent has waived the time limitations set forth in the Uniform Licensing Act for NCA issuance. If this Agreement is not accepted, the Board may issue an NCA, and the NCA will be considered timely.

b. The Respondent understands that he has a statutory right to a hearing on the charges made in the complaint against him and that he would have the right to appeal any decision of the Board following such hearing, and he hereby waives these rights in the event the Board accepts this Agreement. In the event the Board does not accept this Agreement, the Respondent shall continue to have the right to a hearing and to appeal, and this agreement shall be inadmissible by either party in any such hearing.

c. The Respondent waives his right to assert a claim of bias or move to excuse any Board member based upon the Board member's consideration of the Agreement.

d. The Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

5. The Respondent's execution of this Agreement is made knowingly, intentionally, and voluntarily.

6. Nothing contained herein is binding on the Board unless signed by the Board Chairperson. Once both Respondent and the Board Chairperson sign this Agreement, it shall become binding upon the Board and the Respondent.

7. Failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Board accepts this Agreement and the Respondent fails to comply with the provisions of this Agreement, the Board shall have the right to take such action against the Respondent as it deems appropriate under the circumstances, including revoking Respondent's license.

8. This Agreement is a settlement of Board case number MT 17-10-APP and only the specific allegations contained therein. The Board reserves the right to initiate proceedings for any other violations of the Massage Therapy Practice Act or the Rules and Regulations of the Board adopted pursuant to that act.

9. This Agreement is a public record within the meaning of the Inspection of Public Records Act. Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by the Massage Therapy Practice Act.


AGREED TO BY RESPONDENT:



Joseph Raymond, Respondent

Date: February 8, 2017

AGREED TO AND ACCEPTED BY THE MASSAGE THERAPY BOARD:



Chairperson, Massage Therapy Board

Date: May 4, 2018, ~~2017~~