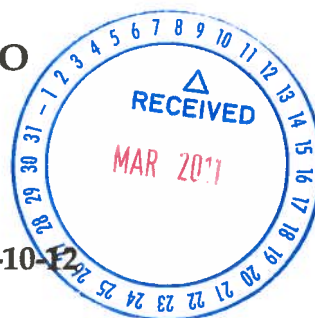


BEFORE THE STATE OF NEW MEXICO
MASSAGE THERAPY BOARD



IN THE MATTER OF:

BRANDON BILLY
LICENSE NO. - 5903 (Inactive)

Case No. 09-10-12

Respondent.

DEFAULT ORDER

THIS MATTER, having come before the Massage Therapy Board (the "Board") on Friday, January 28, 2011, the Board finds the following:

1. On September 5, 2010, a Notice of Contemplated Action was served on the respondent in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-4(D) and 61-1-5.
2. The respondent has not mailed a request for hearing within the time and in the manner required by NMSA 1978, §§ 61-1-4(D) (3) and (E) and is therefore in default.
3. Respondent has not timely renewed his massage therapist license as required by NMSA 1978, § 61-12C-17 and 16.7.12.8 NMAC.

IT IS THEREFORE ORDERED THAT Respondent Brandon Billy's massage therapist license No. 5903 is hereby **REVOKED BY DEFAULT**. This revocation is final and not subject to judicial review. NMSA 1978, §§ 61-1-4 (E).

IT IS FURTHER ORDERED THAT Respondent cannot reinstate his massage therapist license until the NCA has been answered and resolved.

Signed this 4 day of March, 2011.


Kirstie Segarra, Chairperson
New Mexico Massage Therapy Board
2550 Cerrillos Road
Santa Fe, New Mexico 87505

**BEFORE THE STATE OF NEW MEXICO
MASSAGE THERAPY BOARD**

IN THE MATTER OF:)	
)	
BRANDON N. BILLY)	CASE NO. 09-10-12
LICENSE NO. 5903)	
)	
Respondent.)	

NOTICE OF CONTEMPLATED ACTION

1. Brandon N. Billy (hereafter the “Respondent”) is hereby notified that the New Mexico Massage Therapy Board (hereafter the “Board”) has before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Board in taking action to deny, revoke, suspend or take other disciplinary action against Respondent’s license to practice dentistry in New Mexico pursuant to NMSA 1978 § 61-12C-24.

2. Action is contemplated to impose disciplinary measures pursuant to the following statutes and regulations:

61-12C-8 BOARD POWERS

The Board has the power to:

- (A) adopt and file, in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978], rules necessary to carry out the provisions of the Massage Therapy Practice Act [Chapter 61, Article 12C NMSA 1978];

- (F) Pursuant to the Uniform Licensing Action [61-1-1 NMSA 1978], conduct hearings on charges against applicants, licensees or registrants and take actions described in Section 61-1-3 NMSA 1978;

61-12C-18 INACTIVE STATUS

- (A) A massage therapy license or massage therapy instructor registration not renewed at the end of the sixty-day grace period shall be placed on inactive status for a period not to

exceed two years. At the end of two years, if the license or registration has not been reactivated, it shall automatically expire.

61-12C-24(A) DENIAL, SUSPENSION, REVOCATION AND REINSTATEMENT OF LICENSES.

A. Pursuant to the Uniform Licensing Act [61-1-1 NMSA 1978], the board may take disciplinary action against a person licensed or registered pursuant to the Massage Therapy Practice Act [Chapter 61, Article 12C NMSA 1978].

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;
- (10) is grossly negligent or incompetent in the practice of massage therapy.

16.7.1.8 NMAC MASSAGE THERAPY LICENSE AND REGISTRATION:

(D) Address change: Licenses and registrations are mailed to the license or registration holder's last mailing address as noted in the records of the board. Therefore, licensees and registrants shall maintain a current mailing address with the board by immediately notifying the board office in writing whenever a change of an address has occurred. A change of address form is available from the board's website or from the board office.

16.7.2.8 NMAC CODE OF PROFESSIONAL CONDUCT:

(C) Client welfare:

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

(2) Each licensee shall obtain prior informed consent of the client regarding draping and treatment to ensure the safety, comfort and privacy of the client.

(F) Violation of the Law:

(1) Each licensee shall not violate any applicable statute or administrative regulation governing the practice of massage therapy.

3. The Board has jurisdiction to hear this matter pursuant to the Massage Therapy Practice Act, NMSA 1978, Sections 61-12C-1 through 61-12C-28.

4. The general nature of the evidence is attached to this Notice of Contemplated Action (hereafter the "NCA") in Attachment 1, 2, and 3.

5. The general nature of the allegations is as follows:

a. On or about February 4, 2008, Respondent was issued License Number 5903 (hereafter "License"), which authorized Respondent to practice as a licensed massage therapist in the State of New Mexico.

b. On or about October 1, 2009, the Board received a complaint against Respondent ("Complaint"). (Copy of Complaint included as Attachment 1). The Complaint alleges that on September 4, 2009, Respondent while providing a massage to client N.H., digitally penetrated her vagina and inappropriately touched her breast and buttocks. The incident took place at America's Massage and Wellness.

c. Client N.H. reported the incident to the Albuquerque Police Department. (Copy of Albuquerque Police Department Uniform Incident Report included as Attachment 2).

d. America's Massage and Wellness confirmed that N.H. was a client who had 4 massages provide by therapists including the Respondent. (Copy of America's Massage and Wellness letter and N.H. client record included as Attachment 3).

e. During the course of investigating the Complaint, Board staff discovered that Respondent no longer resided or worked at the addresses he provided to the Board. Respondent failed to provide the Board with a change of address as required by Board rule. (Copy of Report of Investigation included as Attachment 4 and U.S. Certified Mail Receipts included as Attachment 5).

6. Unless rebutted or explained at a formal hearing, the evidence before the Board is sufficient to justify the Board in taking disciplinary action.

7. The Board shall take the contemplated action by default, unless Respondent "within twenty days after service of the notice deposits in the mail a certified return receipt requested letter address to the Board and containing a request for a hearing. *See* NMSA § 61-1-4(D)(3). If Respondent "does not mail a request for a hearing within the time and in the manner required by this section, the Board may take the action contemplated in the notice and such action shall be final and not subject to judicial review. *See* NMSA § 61-1-4(E). A written request for a hearing should be sent to the following address:

New Mexico Massage Therapy Board
ATTN: Laura Romero Halama
P.O. Box 25101
Santa Fe, New Mexico 87504-5101

8. If requested, the formal hearing will be conducted in accordance with the New Mexico Uniform Licensing Act, NMSA 1978, § 61-1-4(D)(4). Respondent is advised that NMSA 1978, § 61-1-8 affords the following rights:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] 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 therefore to the board or the hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or hearing officer. All notices issued pursuant to NMSA 1978, § 61-1-4 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.

**STATE OF NEW MEXICO
NM MESSAGE THERAPY BOARD**

Date: 8/23/2010

By: W.D. 'Peter' Lane
W. D. "Peter" Lane, Chairperson
New Mexico Massage Therapy Board
Post Office Box 25101
Santa Fe, New Mexico 87504
(505) 476-4680

Prepared by:

Gloria I. Lucero

Gloria I. Lucero

Assistant Attorney General

111 Lomas Boulevard NE

Albuquerque, New Mexico 87501

(505) 222-9000 – Telephone

(505) 222-9086 – Facsimile

CERTIFICATE OF SERVICE

A true copy of this Notice of Contemplated Action was mailed to Respondent by certified mail, return receipt requested, on this 23rd day of August 2010.

Gloria I. Lucero

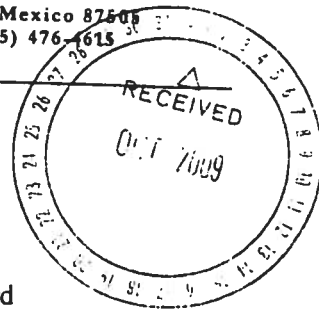
ATTACHMENT 1



09-10-12

New Mexico Regulation and Licensing Department BOARDS AND COMMISSIONS DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
Information (505) 476-4500 • Direct (505) 476-4600 • Fax (505) 476-4615
www.rld.state.nm.us



COMPLAINT FORM

Check the board that you are registering your complaint with:

- | | |
|--|---|
| <input type="checkbox"/> Acupuncture and Oriental Medicine Board | <input type="checkbox"/> Occupational Therapy Board |
| <input type="checkbox"/> Athletic Trainers Board | <input type="checkbox"/> Optometry Board |
| <input type="checkbox"/> Athletic Commission * | <input type="checkbox"/> Osteopathic Examiners Board |
| <input type="checkbox"/> Animal Sheltering Services Board | <input type="checkbox"/> Physical Therapist Board |
| <input type="checkbox"/> Barbers and Cosmetologists and Body Art Board | <input type="checkbox"/> Podiatry Board |
| <input type="checkbox"/> Chiropractic Examiners Board | <input type="checkbox"/> Private Investigations Board |
| <input type="checkbox"/> Counseling and Therapy Practice Board | <input type="checkbox"/> Psychologist Examiners Board |
| <input type="checkbox"/> Dental Health Care Board | <input type="checkbox"/> Public Accountancy Board * |
| <input type="checkbox"/> Interior Design Board | <input type="checkbox"/> Real Estate Appraisers Board |
| <input type="checkbox"/> Landscape Architects Board | <input type="checkbox"/> Real Estate Commission * |
| <input checked="" type="checkbox"/> Massage Therapy Board | <input type="checkbox"/> Respiratory Care Practitioners |
| <input type="checkbox"/> Naprapathy Board | <input type="checkbox"/> Signed Language Interpreters Board |
| <input type="checkbox"/> Nursing Home Administrators Board | <input type="checkbox"/> Social Work Examiners Board |
| <input type="checkbox"/> Nutrition and Dietetics Practice Board | <input type="checkbox"/> Thanatopractice Board |
| <input type="checkbox"/> Speech, Language, Pathology, Audiology and Hearing Aid Dispensing Practices Board | |

- * Complaints regarding the Athletic Commission, Public Accountancy Board, and Real Estate Commission should be submitted using this form but should be coordinated directly with the specific Board or Commission.
- Mail Real Estate Commission complaints to: 5200 Oakland Ave., NE, Suite B, Albuquerque, NM 87113.
 - Mail Athletic Commission complaints to: 5200 Oakland Ave., NE, Suite C, Albuquerque, NM 87113
 - Mail Public Accountancy complaints to: 5200 Oakland Ave., NE, Suite D, Albuquerque, NM 87113.

INSTRUCTIONS

1. Complete this complaint form providing the Board/Commission with as much information as possible about the complaint.
2. List any other people who might have information or knowledge about this situation. Include the address and phone number of each.
3. Sign the form and swear to its truthfulness in the presence of a notary public and have it notarized.
4. **FORMS MUST BE TYPED OR PRINTED LEGIBLY** or they will be returned to you.
5. **For complaints involving Health Care Providers:** Complete and submit an *Authorization for Disclosure of Medical Record Information* form for **each provider** whom you have consulted about this situation, including the Provider/licensee who is the subject of the complaint.
6. Submit the completed form(s) and supporting documentation to the Board/Commission office at the above address.

To confirm receipt of the complaint, the Board mails an acknowledgement letter to each complainant following receipt of this form.

NOTE: Complaints received by a Board/Commission cannot be withdrawn.

NOTE: The jurisdiction of the Boards/Commissions is limited. They cannot guarantee refunds of money paid to licensees, nor necessarily obtain the outcome you desire. They can only impose disciplinary measures against a licensee found to have violated the licensing statute or rules adopted by the Board/Commission. The Boards/Commissions represent the public welfare as a whole, but they do not represent the Complainant as in an **attorney client relationship**.

COMPLAINT FORM

Complainant's Name: [Redacted]
Address: [Redacted] Rd [Redacted]
City: Albuquerque State: NM Zip: 87114
Day Phone: 505-[Redacted]-[Redacted] Evening Phone: 505-[Redacted]-[Redacted]

Against (licensee name): Billy, Brandon N. - Lic. 5903
Name of Business: American Massage
Street Address: 3015 State Highway 528 Phone: 505-897-8787
City: Albuquerque State: NM Zip: 87114

STATEMENT OF COMPLAINT

Provide a detailed statement of the matter(s) that is the subject of the complaint, and attach copies of any supporting documentation relative to the complaint. Attach additional pages if necessary. Type or print legibly.

On Sept 4, 2009 I went to American Massage where Brandon Billy works. I had an appt w/ Brandon at 12:15p. The massage started normal he massaged my back, when he reached my lower back I advised him to be gentle, because I had a tender spot. He complied by checking if the amount of pressure was okay. He then proceeded to my butt, I tried to convince myself that that was normal and most massage therapists do that. Brandon proceeded to my left arm but kept going back and forth to my back/butt back to my arm. He then moved to my right arm and did the same going back and forth between my back/butt to my arm but this time he kept brushing against my right boob I tried to convince myself it was an accident but he kept doing it. He then moved to my legs the left one first as he was massaging my leg he kept getting higher and higher until he was at my butt again. Then he switched to my right leg and again kept getting higher and higher until he reached my panties except this time he moved my panties and stuck his finger in my vagina several times. When I tried to make a noise so he would stop he stuck

COMPLAINT FORM

his other hand up to my mouth and stuck a finger in my mouth and tried to "shoosh" me I bit him as hard as I could but he still didn't stop. I then took my right hand and tried to push his hand away it still took a little while before he stopped and when he finally did he said "Nexttime you should schedule an 1/2 hr massage." He then turned me on my back and massaged my head for like 2 minutes then was done and left the room.

You may wonder why I didn't do more to stop him but it was as if my body froze and I was unable to do anything. I just don't want anyone else to be put in a situation like that. How he could do that to an individual at their most venerable moment still haunts me. I did make a police report but it has taken a while and it is still under investigation. I hope you can do something soon.

I swear/affirm that the information I provided above is true and complete to the best of my knowledge.

Signature of Complainant:

[Redacted Signature]

(Sign only in the presence of a Notary.)

Date:

9-30-09

State of:

NM

County of:

Bernalillo

Subscribed and sworn to before me on this

30

day of

Sept

, 20 09

Notary Public:

Lorie Cognion

Commission Expiration Date:

4/4/12

SEAL



OFFICIAL SEAL
LORIE COGNION
NOTARY PUBLIC STATE OF NEW MEXICO

4/4/12

New Mexico Regulation and Licensing Department
BOARDS AND COMMISSION DIVISION

NH
[redacted]
[redacted] Rd
Albuquerque, Nm 87114



ALBUQUERQUE NM 871
30 SEP 2009 PM 4 T



New Mexico Regulation & Licensing Department
Boards & Commissions Divisions
Toney Anaya Building
2550 Cerrillos Rd
Santa Fe, NM 87505

67505+3260



ATTACHMENT 2

OCCURRENCE DATE(S) ON OR BETWEEN MM/DD/YYYY 09-04-2009		DATE REPORTED MM/DD/YYYY 09-04-2009		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT			ORI NO. NM 0010100	CASE NO. 090089738	PAGE 1	OF 2																														
AGENCY/COUNTY ALBUQUERQUE POLICE DEPARTMENT				DISTRICT NO. 615		INCIDENT NO. 092471055		MURDER/ARMS FORCE/INT. NO. OF WEAPONS 88																																
TIME 1215	DAY OF WEEK FRI	TIME 1315	DAY OF WEEK FRI	TIME 1602	DAY OF WEEK FRI	ADDRESS/LOCATION OF INCIDENT 3615 NM HWY 528 NW			CITY ALBUQUERQUE	ZIP 87114																														
OFFENSE	OFFENSE / INCIDENT			STATUTE OR ORDINANCE		FBI MSO	ATTEMPTED	COMPLETED	UCR OFFENSE CODE	CRIMINAL ACTIVITY CODE	LOCAT CODE	WEAPON CODE UP TO 3 PER OFFENSE	OFFENDER/SUSPECT/TYPE OF USING	ALCOHOL	DRUG	COMP	LINK																							
	1. Criminal Sexual Penetrate 3rd Degree			102 30-9-11F		F		X	11C		25	99						X																						
	2.																																							
	3.																																							
SUBJECTS (VICTIMS/SUSPECTS/PERSONS/BUSINESSES)	PERSON CODES VIC-VICTIM CIT-CITED SUS-SUSPECT ARR-ARRESTEE GLA-GUARDIAN WIT-WITNESS INT-INTERVIEW OTH-OTHER REP-REPORTING PARTY DEC-DECEASED MIS-MISSING PERSON										TYPE CODES F-FINANCIAL INST. R-RELIGIOUS I-INDIVIDUAL L-LAW OFFICER O-OTHER S-SOCIETY B-BUSINESS G-GOVERNMENT U-UNKNOWN										INJURY CODES C-COMPLAINT OF PAIN K-KNIFE WOUNDS/LACERATION W-WOUND										A-BEVERE BODY TRAUMA-SPRUSING D-DEATH G-GUNSHOT WOUND H-BROKEN BONES									
	PERSON CODE VIC	CODE TYPE I	MURDER CODE N	1-NAME (LAST, FIRST, MIDDLE) H. N.			SOCIAL SECURITY NO.			DOB			AGE (RANGE) 23		SEX F	RACE W		STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT 5' 03"	WEIGHT 150	HAIR BRO	EYES BRO	ETHNICITY N	AGG ASSAULT JUST. CODE													
	CITY ALBUQUERQUE			STATE NM	ZIP 87114		BUS. PHONE			VICTIM OF OFF. NO. 1	VICTIM OF SUSP. NO. 1	REL. ST	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.	GANG AFFILIATION	MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE 01														
	OCCUPATION Message Therapist			EMPLOYER/SCHOOL AND ADDRESS America's Massage & Wellne 3615 NM HWY 528 NW													ALIASES / NICKNAMES			DRIVERS LICENSE NO. [REDACTED]			D.L. STATE NM	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS R												
	PERSON CODE SUS	CODE TYPE I	MURDER CODE N	2-NAME (LAST, FIRST, MIDDLE) Billy Brandon			SOCIAL SECURITY NO.			DOB			AGE (RANGE) 32		SEX M	RACE I		STREET ADDRESS 400 Graceland Dr SE #H			APT. NO.	RES. PHONE (505) 227-6043	HEIGHT 5' 09"	WEIGHT 200	HAIR BRO	EYES BRO	ETHNICITY N	AGG ASSAULT JUST. CODE												
	CITY ALBUQUERQUE			STATE NM	ZIP 87108		BUS. PHONE			VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO. 1	GANG AFFILIATION	MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE 01														
	OCCUPATION Message Therapist			EMPLOYER/SCHOOL AND ADDRESS America's Massage & Wellne 3615 NM HWY 528 NW													ALIASES / NICKNAMES			DRIVERS LICENSE NO. [REDACTED]			D.L. STATE NM	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS R												
	PERSON CODE SUS	CODE TYPE I	MURDER CODE N	3-NAME (LAST, FIRST, MIDDLE)			SOCIAL SECURITY NO.			DOB			AGE (RANGE)		SEX	RACE		STREET ADDRESS			APT. NO.	RES. PHONE	HEIGHT	WEIGHT	HAIR	EYES	ETHNICITY	AGG ASSAULT JUST. CODE												
	CITY			STATE	ZIP		BUS. PHONE			VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.	GANG AFFILIATION	MARKS, SCARS, TATTOOS			CLOTHING DESCRIPTION			ARMED WITH WEAPON CODE														
	OCCUPATION			EMPLOYER/SCHOOL AND ADDRESS													ALIASES / NICKNAMES			DRIVERS LICENSE NO.			D.L. STATE	ARREST / CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS												
VEHICLE	YEAR	MAKE	MODEL	BODY STYLE	LICENSE NO.	LIC. YEAR	LIC. STATE	TOP COLOR	BTM COLOR	VALUE/DAMAGE EST.	Distinguishing Features / Visible Damage																													
	REGISTERED OWNER'S NAME											TOW TO / BY																												
	ADDRESS											TOWED FROM																												
	AGENCY OPTIONAL USE											NIC NO.																												
OWNER NOTIFIED											DATE RECOVERED											TIME RECOVERED																		

PROPERTY STATUS	OTH-OTHER	RPO-REPOSESSION	FND - FOUND	FOH-FIELD CONTACT	ARS-ARSONED/BURNED	SFK-SAFER/KEEP PRO
	STM-STOLEN	RFJ-RECOVERED OUTSIDE AGENCY	STOLEN PROPERTY/RECOVERED	ONE-DAMAGED	SDS-SEIZED	OSB-OBSCURED
PROPERTY TYPE	1-GUNS/FIREARMS	3-STRUCTURE	M-HOUSEHOLD APPLIANCES/HOUSEWARES	I-IDENTIFICATION ITEMS	P-PERSONAL ACCESSORIES (INCL. SERIAL JEWELRY)	
	2-DRUGS	A-NON-SERIALIZED JEWELRY	S-BICYCLE	S-SPECIAL DOCUMENTS/STAMP	R-SPORTS, EXERCISE AND RECREATIONAL EQUIPMENT	
DRUG TYPE	3-FOODS/DRUGS/COMESTIBLES	C-CAMERA/PHOTO EQUIPMENT	D-DATA PROCESSING EQUIPMENT	L-LIVESTOCK	T-TOXIC CHEMICALS	
	4-CLOTHING/FUR	E-EQUIPMENT/TOOLS	F-FURNITURE AND FURNISHINGS	M-MEDICAL INSTRUMENTS	V-VIEWING EQUIPMENT	
FIELD UNIT OF MEASURE	5-BOAT/MOTOR VEHICLE/AIRCRAFT	G-GAMING EQUIPMENT	N-NON-SERIALIZED PROPERTY (JEWELRY NOT INCL.)	O-OFFICE EQUIPMENT/CELLULAR PHONES	W-WELL DRILLING EQUIPMENT	
	6-AUTO ACCESSORIES				Y-OTHER (NONE OF THE ABOVE)	
PROPERTY MEASURE	7-CONSTRUCTION MACHINERY				Z-CREDIT/DEBIT CARDS	
	8-CURRENCY, NEGOTIABLE ITEMS					
PROPERTY MEASURE	A-TRUCK	D-HEROIN	G-OPILUM	K-OTHER HALLUCINOGENS	M-OTHER	P-OTHER DRUGS
	B-COCAINE	E-MARIJUANA	H-OTHER NARCOTICS	L-AMPHETAMINE	N-SBARBITURATES	U-UNKNOWN
PROPERTY MEASURE	C-HASHISH	F-MORPHINE	I-HERO		O-OTHER DEPRESSANTS	X-OVER 3 TYPES
1-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	NU-MEMBER OF PLANTS	XX-NOT REPORTED
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / DAN	CALIBER	VALUE (EXCEPT DRUGS)
2-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	DATE RECOVERED	NIC NO.
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / DAN	CALIBER	VALUE (EXCEPT DRUGS)
3-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	DATE RECOVERED	NIC NO.
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / DAN	CALIBER	VALUE (EXCEPT DRUGS)
4-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	DATE RECOVERED	NIC NO.
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / DAN	CALIBER	VALUE (EXCEPT DRUGS)

M. O. EVENT CODES: (AGENCY OPTIONAL USE)

TOTAL VALUE STOLEN	TOTAL VALUE REC.	APPL. PN
\$	\$	

SYNOPSIS Ni H called police following an incident regarding inappropriate touching that had occurred while she was getting a massage at America's Massage & Wellness.

NARRATIVE

1 On 9/4/09 at 1602 hours myself and Officer M. Dietzel were dispatched to 3400 Calle Cuervo NW at the
 2 Burlington Coat Factory in reference a sexual assault call. Upon my arrival I contacted the caller named Ni
 3 H. She stated that she is a patient at America's Massage & Wellness and today she called to inquire
 4 about a possible appointment for today. The call taker advised her that there were no female massage
 5 therapist available, however that is an opening at 1215 hours with a male employee named Brandon. Ni
 6 stated that she preferred a female therapist, but she decided to accept the appointment at 1215 hours with
 7 Brandon. Ni stated that she was escorted into a room, where she prepared for the massage which was a full
 8 body massage.
 9 The massage began. Ni stated that Brandon started off by massaging her back, and while doing so, she
 10 told him that her lower back is tender and for him to be gentle. She stated that he continued to massage her
 11 and he gradually began to massage her "butt" which she stated was unusual. She stated that he continued to
 12 massage her upper body and when he got to her legs she began to feel uncomfortable. She stated that he
 13 massaged her left leg and got unusually high. She then stated that he moved to her right leg and once there,
 14 he gradually got higher and higher. She stated that she became very uncomfortable the further he went, but
 15 she stated that she was unable to say anything for unknown reasons. She stated that Brandon continued to go
 16 higher up her leg, where he then inserted his finger inside her vagina several times. She stated that she
 17 started to make a noise, at which time she pushed his hand away. She stated Brandon then put his finger up
 18 to her mouth and "sushed" her. She stated that she then bit his finger as hard as she could. She stated that
 19 she began to push him off several times where he "finally" stopped and "acted like nothing had happened."

CERT. / STATUS	"I WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED."		"I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE."		COMPLAINANT / VICTIM CERTIFICATION SIGNATURE	DATE
	YES	NO			X	
REPORTING OFFICER (PRINT)	RANK	I.D. NO	DATE	DETECTIVE FOLLOW-UP OFFICER / REFERRED TO		DATE
CRAFTON, BRIAN	P1C	P4015	09-04-2009			
ASSISTING OFFICER (PRINT)	RANK	I.D. NO	DATE	PROCESSED BY	DATE	DATA ENTRY PERSON
APPROVING OFFICER (PRINT)	RANK	I.D. NO	DATE			DATE
JOJOLA, VICTOR		P1592	09-19-2009			
DISTRIBUTION		INCIDENT STATUS		EXCEPT CODE		DATE
<input type="checkbox"/> IA	<input type="checkbox"/> B	<input type="checkbox"/> NE	<input type="checkbox"/> SW	<input checked="" type="checkbox"/> ACTIVE	<input type="checkbox"/> UNCL	<input type="checkbox"/> CL
<input type="checkbox"/> SE	<input type="checkbox"/> VA	<input type="checkbox"/> DAL	<input type="checkbox"/> OTHER	<input type="checkbox"/> CLOSURE	<input type="checkbox"/> CLOSURE	<input type="checkbox"/> CLOSURE
<input type="checkbox"/> FTHL	<input type="checkbox"/> CAJU	<input type="checkbox"/> NW	CASES CLEARED BY THIS ARREST CASE NO.		CASE NO.	REV. 3/94

OCCURRENCE DATE(S)		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT		ORI NO. NM 0010100	CASE NO. 090089738	PAGE 2	OF 2
ON OR BETWEEN									
MM/DD/YYYY 09-04-2009		MM/DD/YYYY 09-04-2009		MM/DD/YYYY 09-04-2009		AGENCY/COUNTY ALBUQUERQUE POLICE DEPARTMENT		DISTRICT NO. 615	INCIDENT NO. 092471055
TIME 1215	DAY OF WEEK FRI	TIME 1315	DAY OF WEEK FRI	TIME 1602	DAY OF WEEK FRI	ADDRESS/LOCATION OF INCIDENT 3615 NM HWY 528 NW		CITY ALBUQUERQUE	ZIP 87114
								CHARGE REL. VER. I. NO.	MATERIALS MOT. CODE BB

20 She stated that Brandon then told her to roll onto her back so the massage could be concluded but the time had
 21 run out. She stated that just before she got dressed, Brandon told her that next time she should request an 1 1/2
 22 appointment. She got dressed after Brandon had left the room. She then heard a door open down the hall, at
 23 which time she attempted to notify an employee of what had happened. She stated that she was unable to notify
 24 anybody, because Brandon had come around the corner and handed her a cup of water. She stated that she
 25 dumped the water down the drain and left the business without paying where she then called the other store
 26 location to obtain a phone number for the corporate office. Following the interview, she completed a written
 27 statement.

28 Once N[REDACTED] written statement was completed, myself and Officer M. Dietzel went to 3615 NM HWY 528
 29 (America's Massage & Wellness) in an attempt to contact Brandon. The receptionist advised that Brandon was
 30 with a client, but following several minutes, management notified Brandon that I was needing to speak to him.
 31 Brandon was identified as Brandon Billy who is an employee of approximately three months at the above listed
 32 business. The management provided an office where the interview could be conducted. I advised Brandon of his
 33 Constitutional Rights which he stated that he understood and chose to speak to me. It should be noted that going
 34 into the interview, management had questioned Brandon about the incident which N[REDACTED] had called about. Brandon
 35 stated that the massage with N[REDACTED] was like every other massage that he conducts. He stated that he did his
 36 massage and when time was up, he left the room. He denied any wrong doing and stated that he did not deviate
 37 from his usual routine. I had asked him if he had inserted his finger into N[REDACTED] vagina. He stated no! I then
 38 checked his hands for any bite marks. I was not able to see any visible signs that would be consistent with a bite
 39 mark. I concluded the interview.

40 I then advised Sgt. B. Mock of the incident. I contacted the on-call Sex Crimes Detective A. Nunez. She was
 41 advised of the situation and was told that Brandon was in custody. She requested that N[REDACTED] be checked out by the
 42 SANE Unit, and to transport Brandon to the Main Police Station where he could be interviewed. Officer M.
 43 Dietzel transported Brandon to the Main Station. I returned to N[REDACTED] home to see if she was willing to be seen by
 44 the SANE nurse. She stated that she was willing and requested a ride. I transported her to the SANE Unit where
 45 we met with Detective Nunez and the nurse. She was interviewed by Detective Nunez and the exam was then
 46 conducted.

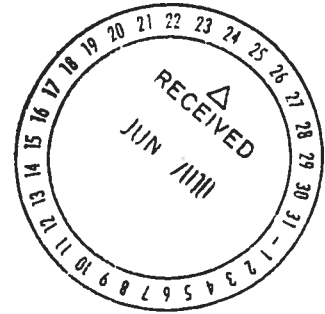
47 Officer M. Dietzel requested that a field investigator respond to the Main Station at the request of Detective
 48 Nunez. He stayed with Brandon until Detective Nunez determined that Brandon was not going to be booked on
 49 the charges. Officer M. Dietzel transported Brandon home. Refer to his supplemental report.

50

51

ATTACHMENT 3

America's Massage & Wellness



June 21, 2010

Laura Romero Halama
Compliance Liaison
New Mexico Massage Therapy Board

Re: Complaint #09-10-12
Respondent – Brandon Billy
Complainant/Client – Nita Hibben

Greetings Ms. Halama:

Mr. Brandon Billy worked at America's Massage & Wellness from 6/5/09 to 9/5/09. During that period he was an independent contractor who rented a room from us on a per massage basis. He was not then, or never has been, an employee of America's Massage & Wellness.

Ms. Nita Hibben was a client who had 4 massages provided by therapists who worked as independent contractors at America's Massage & Wellness.

If you have any other questions, particularly regarding the 'FEMALE MT ONLY' at the top of the intake form, please feel free to contact me.

Sincerely

A handwritten signature in cursive script that reads "David Paper".

David Paper

Encl: 1

2620 San Mateo NE, Suite F, Albuquerque, NM 87110 505-888-4044
www.americasmassage.com

FEMALE MT. ONLY

AMERICA'S MASSAGE Client Information

PLEASE PRINT

Name N. H.

What is the reason for your visit today? massage

Are you under the care of a physician or other health care Practitioner? No

Are there any areas you want to avoid having treated? No

List medications you are taking and what they are for. None

Please check any of the following that apply to you.

serious injuries

headaches

arthritis

contact lenses

blood clots

low blood pressure

high blood pressure

OTHER (explain below)

bursitis

allergies

skin infection

PREGNANT

use of alcohol

diabetes

heart attack

back pain

shoulder pain

leg/foot pain

contagious conditions

recent surgery

use of tobacco

varicose veins

stroke

allergy to NUT OILS

Date of Birth 10-12-85 Occupation office manager

I understand that all massage treatments on these premises are for THERAPEUTIC PURPOSES ONLY and are completely NON-SEXUAL. Any sexual and/or inappropriate behavior will terminate the session immediately.

Your appointment time is reserved exclusively for you. Advance notice is greatly appreciated if you are unable to keep your appointment.

If client is a minor (under age 18) PARENT MUST SIGN.

Signature [Redacted]

Date 12-26-08

detective / 11/10/03

9246023: 00012

CLIENT N [REDACTED]

S RELAXATION, MASSAGE

O TIGHT TRAPS (RT), TP'S REDUCED

A FBSM, EXTRA TIME ON BACK, NECK

P H₂O, DRINK

MT Nguyen Du DATE 12-26-08

S Relax

O Tight Traps, Levators, Scapulas

A FBSM

P ↑ H₂O

MT SUE DATE 1/23/09

S Relax

O Erectors, Upper traps

A FBSM - firm Hot Stones

P tickle on feet + (R) Rotator cuff

MT Colleen P DATE 2-18-09

S C/R tension in R sh.

O Tension in UB, sh, & neck

A FBsw @ & DT @

P ↑ H₂O

MT Erandon DATE 9-2-09

S

O

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MT _____ DATE _____

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NOTES _____



**New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Massage Therapy Board**

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4870 • Fax (505) 476-4645 • www.rld.state.nm.us/massage

Report of Investigation

Case No.:	09-10-12	Date:	January 19, 2010
Complainant:	N. H.	Location:	Albuquerque
Respondent :	Brandon Billy	Board:	NM Massage Therapy
Investigator:	Steve Herrera		

Possible Violation(s) but not limited to:

Investigation:

On Thursday January 14, 2010 I proceeded to the Albuquerque area in order to follow up on a returned complaint for a case involving the NM Massage Therapy Board. The board had been unsuccessful in previous attempts at notifying the respondent (Mr. Brandon Billy) regarding a complaint filed against him.

There were two addresses that the board had for Mr. Billy. The first address was 5800 Osuna Rd. NE Apt. 154. The second was 400 Graceland SE. I drove to the first address and knocked on the door of apt. 154. I was greeted by a male individual that stated to me that Mr. Billy no longer lived at the address and that I was not the only person who had been by looking for him. I thanked the individual and left the premises.

I then proceeded to the second address and noticed that there were four small apartments associated with the address and walked over to what appeared to be the manager's office. I knocked at the door of the manager's office and did not get an answer. I also noticed that there were four mail boxes outside of the apartments and that they had names labeled on them. None of the names matched Mr. Billy's. I was unsuccessful at getting an answer at each of the four doors.

I called Americas Massage a week prior to my trip to Albuquerque and received verbal verification that Mr. Billy was no longer employed at America's Massage.

Signature of Investigator: _____

Steve Herrera

Date: _____

1/19/2010

Brandon Billy
400 Graceland SE
Albuquerque, NM 87108

5800 Osuna Rd. NE Apt. 154
Albuquerque, NM 87109
no longer at jobly

ATTACHMENT 5



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Massage Therapy Board

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4870 • Fax (505) 476-4645 • www.rld.state.nm.us/massage

October 19, 2009

Certified #7099 3400 0019 5298 2451

Brandon Billy
C/O American Massage
3615 State Highway 528
Albuquerque, NM 87114

Re: Massage Therapy Board
Complaint # 09-10-12
Complainant – **N. Hill**


Dear: Mr. Billy:

Enclosed is a copy of a complaint filed with the Regulation and Licensing Department, Boards & Commissions Division in the above referenced matter.

We request a written response from you regarding the above referenced complaint within ten (10) calendar days of receiving this certified letter. Please send your response, along with copies of all documents or materials relevant to this complaint to my attention at the above address.

If you have any questions, please call me at the number provided below.

Sincerely,


Jackie Holmes, Board Administrator
Massage Therapy Board

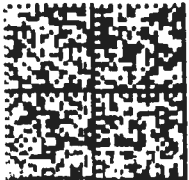
Enclosure: Complaint

CERTIFIED MAIL

State of New Mexico
Massage Therapy Board
P.O. Box 25101
Santa Fe, NM 87504



7099 3400 0019 5296 2451



Hasler

016H2650511
\$05.540
10/19/2009
Mailed From 87505
US POSTAGE

10/20

UNCLAIMED

Brandon Billy
C/O American Massage
3615 State Highway 528
Albuquerque, NM 87114

*FWB 400 GraceLand SE
ALB, NM 87108*

UNC

Mr 10/21/09

1st Notice
2nd Notice 11-11
RETURNED 11-22-09

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0019 5298 2451
1542 9625 6700 0046 6962

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Brandon Billy
C/O American Massage
3615 State Highway 528
Albuquerque, NM 87114

See Reverse for Instructions



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Massage Therapy Board

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4870 • Fax (505) 476-4645 • www.rld.state.nm.us/massage

November 16, 2009

Certified #7099 0710 0003 0187 8713

Brandon Billy
5800 Osuna Rd, Apt. 154
Albuquerque, NM 87109

Re: Massage Therapy Board
Complaint # 09-10-12
Complainant – N. H. [REDACTED]
2nd request- 1st letter went to American Massage

Dear: Mr. Billy:

Enclosed is a copy of a complaint filed with the Regulation and Licensing Department, Boards & Commissions Division in the above referenced matter.

We request a written response from you regarding the above referenced complaint within ten (10) calendar days of receiving this certified letter. Please send your response, along with copies of all documents or materials relevant to this complaint to my attention at the above address.

If you have any questions, please call me at the number provided below.

Sincerely,

A handwritten signature in black ink that reads "Jackie Holmes". The signature is written in a cursive style.

Jackie Holmes, Board Administrator
Massage Therapy Board

Enclosure: Complaint

7007 0710 0003 0187 8713

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent to: Brandon Billy
 Street, Apt. No. or PO Box No. 5800 Osuna Rd.
 City, State, ZIP+4® Albuquerque, NM 87109

PS Form 3800, August 2006 See R

CERTIFIED MAIL™



7007 0710 0003 0187 8713

1-17
 01/16/2009
 \$05.54
 Hasler
 Mailed From: 87905
 US POSTAGE

NM Board of Massage Therapy Board
 2550 Cerrillos Rd.
 Santa Fe, NM 87505

JAN 20 PM 2:48

12/23
 R.A. 1/17

Brandon Billy
 5800 Osuna Rd., Apt. 154
 Albuquerque, NM 87109

NIXIE 871 SE 1 00 01/17/10

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

BC: 87505926050 *0668-17176-16-38

87103+62565@3260



88827



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Massage Therapy Board

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4870 • Fax (505) 476-4645 • www.rld.state.nm.us/massage

December 14, 2009

Certified #7099 3400 0019 5298 2246

Brandon Billy
400 Graceland SE
Albuquerque, NM 87108

Re: Massage Therapy Board
Complaint # 09-10-12
Complainant – N. Hill
2nd request- 1st letter went to American Massage

Dear: Mr. Billy:

Enclosed is a copy of a complaint filed with the Regulation and Licensing Department, Boards & Commissions Division in the above referenced matter.

We request a written response from you regarding the above referenced complaint within ten (10) calendar days of receiving this certified letter. Please send your response, along with copies of all documents or materials relevant to this complaint to my attention at the above address.

If you have any questions, please call me at the number provided below.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Holmes".

Jackie Holmes, Board Administrator
Massage Therapy Board

Enclosure: Complaint

7099 3400 0019 5298 2246

U.S. Postal Service
CERTIFIED MAIL
(Domestic Mail Only; No Insur...)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Brandon Billy
400 Graceland SE
Albuquerque, NM 87108

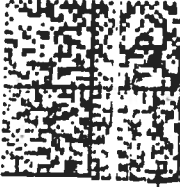
PS Form 3800, February 2000

CERTIFIED MAIL

NM Massage Therapy Board
2550 Cerillos Rd.
Santa Fe, NM 87505



7099 3400 0019 5298 2246



Hasler

0161426505161

\$05.540

12/17/2009

Mailed From 87505
US POSTAGE



Brandon Billy
400 Graceland SE
Albuquerque, NM 87108

