

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MASSAGE THERAPY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

NATHAN ISAAH WEEMS, M.T.
License No. 75-01-007104,
Respondent.

File No. 75-18-150756

ORDER OF SUMMARY SUSPENSION

The Department filed an Administrative Complaint against Respondent, as provided by the Public Health Code, MCL 333.1101 *et seq*; the rules promulgated under the Code; and the Administrative Procedures Act, MCL 24.201 *et seq*.

MCL 333.16233(5) requires that the Department find that the public health, safety, or welfare requires emergency action, if a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum of two years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; and

Based on MCL 333.16233(5) and Respondent's conviction, as set forth in the Administrative Complaint, the Department finds that the public health, safety, or welfare requires emergency action.

Therefore, IT IS ORDERED that Respondent's license to practice as a massage therapist in the state of Michigan is **SUMMARILY SUSPENDED**, commencing the date this Order is served.

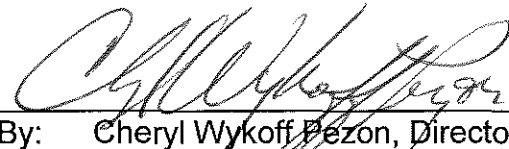
Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this Order by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: _____

9/5/18

By: _____



Cheryl Wykoff Bezon, Director
Bureau of Professional Licensing

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MASSAGE THERAPY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

NATHAN ISAAH WEEMS, M.T.
License No. 75-01-007104,
Respondent.

File No. 75-18-150756

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Massage Therapy is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a massage therapist in the state of Michigan.

3. Pursuant to MCL 333.16233(5):

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, MCL 24.292.

4. At all relevant times, Namaste Massage and Spiritual Wellness Massage Parlor in Shelby Township, Michigan, employed Respondent as a massage therapist.

5. On March 5, 2018, between approximately 3:30 p.m. and 5:30 p.m., Respondent was performing a massage on a 54-year-old client. During the appointment, Respondent placed the client's hands on his erect penis and touched the client's breasts. During a subsequent law enforcement investigation into the incident, Respondent admitted he placed the client's hands on his erect penis.

6. On March 5, 2018, between approximately 6:30 p.m. and 7:00 p.m., Respondent was performing a massage on a 57-year-old client. During the appointment, Respondent placed the client's hands on his erect penis, touched the client's breasts, and digitally penetrated the client's vagina. During a subsequent law enforcement investigation into the incident, Respondent admitted to touching the client's breasts and digitally penetrating the client.

7. On August 13, 2018, in the 16th Circuit Court, in Macomb County, Michigan, Respondent pled guilty to two counts of CSC-3rd Degree (Force or Coercion) contrary to MCL 750.520d(1)(b), a felony, and six counts of CSC-4th Degree (Force or Coercion) in violation of MCL 750.520e(1)(b), a high court misdemeanor punishable by imprisonment for a maximum term of two years, in case number 2018-001625-FH. Respondent is scheduled to be sentenced on September 25, 2018. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, evidences a lack of propensity to serve the public in the licensed area in a fair, honest, and open manner, and, accordingly, a lack of good moral character, in violation of MCL 333.16221(b)(vi).

COUNT IV

Respondent's convictions, as set forth above, constitute convictions of criminal offenses under section 520e of the Michigan penal code, in violation of MCL 333.16221(b)(vii).

COUNT V

Respondent's convictions, as set forth above, constitute convictions of criminal offenses under section 520d of the Michigan penal code, in violation of MCL 333.16221(b)(xiii).

COUNT VI

Respondent's conduct, as set forth above, evidences conduct by a health professional while acting within the health profession for which he or she is licensed or registered, including conduct initiated by a patient or to which the patient consents, that is sexual or may reasonably be interpreted as sexual, including, but not limited to, sexual intercourse, kissing in a sexual manner, or touching of a body part for any purpose other than appropriate examination, treatment, or comfort, in violation of MCL 333.16221(e)(vi).


RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action and, accordingly, Respondent's license to practice as a massage therapist shall be summarily suspended, pending a hearing and final determination of this matter.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: _____

9/5/18


Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

LM