

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

In the Matter of

NATHANIEL SIXTO PETERSON, M.T.

License No. 75-01-004867,

Respondent.

File No. 75-18-150666

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 require 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: 6/15/18 2018

By: 
Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

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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):

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare

requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, MCL 24.292, shall summarily suspend the licensee's license or the registrant's registration.

4. "Good moral character" is defined in MCL 338.41 as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

5. On October 17, 2017, Respondent had an appointment with a client for a 90-minute massage. While providing massage therapy services, Respondent forcibly digitally penetrated the client's vagina and groped the client's breasts. The client subsequently reported Respondent's conduct to law enforcement, and Respondent was arrested on charges of criminal sexual conduct.

6. On January 17, 2018, in the 16th Circuit Court in Mount Clemens, Michigan, Respondent was convicted of Attempted Criminal Sexual Conduct – 3rd Degree (Force or Coercion) (MCL 750.520d(1)(b)), a felony, in case number 2017-004600-FH. Respondent was sentenced to serve 180 days in jail (credit for 86 days served), followed by five years' probation, with terms including a prohibition from working as a massage therapist, ordered to register as a sex offender, and ordered to pay fines, costs, and restitution. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

7. Respondent failed to report the above conviction to the Department within 30 days of the date of the conviction.

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 good moral character, in violation of MCL 333.16221(b)(vi).

COUNT IV

Respondent's conviction, as set forth above, constitutes a conviction of a criminal offense under section 520d of the Michigan penal code, in violation of MCL 333.16221(b)(xiii).

COUNT V

Respondent's conduct, as set forth above, evidences conduct by a health professional with a patient while he or she 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).

COUNT VI

Respondent's conduct, as set forth above, evidences a failure to notify the Department of the criminal conviction within 30 days of the date of the conviction, as required by MCL 333.16222(3), in violation of MCL 333.16221(f).

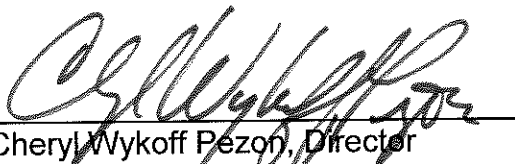
This Complaint is based upon files and records maintained by the Department and the attached Affidavit of Terri Schrauben.

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: 6/15/18, 2018


Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

Attachments

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