

STATE OF NORTH DAKOTA
BOARD OF MASSAGE THERAPY

In the Matter of the License)
to Practice Massage of:)
)
Jeremy Baker)
)

ORDER

The North Dakota Board of Massage ("Board") is authorized pursuant to North Dakota Century Code (N.D.C.C.) ch. 43-25 to license and regulate the practice of massage. N.D.C.C. § 43-25-10(1)(b) and (g) authorizes the Board to revoke, suspend, or place on probation the license of a massage therapist for conviction of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a massage therapist and for violating a chapter or rule adopted by the board, and for violations of North Dakota Administrative Code (N.D.A.C.) § 49-01-02-04(3)(b) engaging in any sexual conduct, activity, or behavior involving a current massage client.

Jeremy Baker ("Baker") is the holder of a license to practice massage therapy in the State of North Dakota, license #18140. The Board received a complaint alleging Baker engaged in sexual activities during a massage without the client's consent. Baker was charged in District Court in the Montana Seventh Judicial District Court, Dawson County, Case No.: DC-18-054, Count 1: Sexual Intercourse Without Consent, a felony, in violation of Section 45-5-503, M.C.A. – regarding sexual activities during a massage with a client. The Board determined that a reasonable basis exists to believe Baker violated N.D.C.C. § 43-25-10(1)(b)(g) and N.D.A.C. § 49-01-02-04(3)(b), and decided to initiate a disciplinary action against Baker's license.

On September 27, 2018, the Board and Baker entered into a Settlement Agreement providing:

1. Baker waives his right to an administrative hearing and appeal pursuant to N.D.C.C. ch. 28-32.

2. Baker agrees that his North Dakota massage therapist license will be suspended, effective immediately.

3. In the even that Baker is convicted of the criminal charges pending against him in Dawson County referenced above, is convicted of a lesser included offense, pleads guilty to this or any related charge, or pleads no contest to this or any related charge, Baker's massage therapy license will be revoked without further action or hearing. In that event, Baker may reapply for licensure five years after the date of conviction or the date that the plea is accepted by the court.

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Baker pled guilty to Negligent Endangerment, a misdemeanor, in violation of Section 45-5-208, M.C.A., in the Montana Seventh Judicial District Court, Dawson County, Case No.: DC-18-054, Order and Judgment signed January 22, 2019, by the Honorable Olivia Rieger, District Court Judge. As per the terms of the Settlement Agreement, Baker's massage therapy license is therefore revoked immediately. Baker may apply for relicensure in 5 years.


IT IS THEREFORE ORDERED:

1. Baker's license to practice massage is immediately revoked.
2. Baker may reapply for licensure January 2024.

Dated this 29th day of January, 2019.

State of North Dakota
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