SETTLEMENT AGREEMENT

I.   PARTIES

This settlement agreement is made and entered into by and between the Board of Massage Therapy (Board) and Jiang Min Jennings (Jennings).

II.   RECITALS

A.   The Board is authorized pursuant to North Dakota Century Code (N.D.C.C.) ch. 43-25 to license and regulate the profession of massage therapy.

B.   The Board is authorized by N.D.C.C. § 43-25-10 and North Dakota Administrative Code (N.D.A.C.) § 49-01-02-04 to take disciplinary action, including denying, revoking, suspending, or placing on probation the license of any massage therapist in the state who has committed a violation of N.D.C.C. ch. 43-25 or of any administrative rule adopted by the Board.

C.   Jennings is a licensed massage therapist in North Dakota (License No. 1789).

D.   Jennings pled guilty in Burleigh County District Court, Case No. 08-2020-CR-02442, to a Class C felony for facilitating prostitution – leasing or permitting a place to be used for prostitution, in violation of N.D.C.C. § 12.1-29-02(1)(c).

E.   N.D.C.C. § 43-25-10(1) allows the Board to take disciplinary action against a licensee upon the grounds of (b) 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, (f) gross negligence in the practice of massage, and/or (g) violating a chapter or rule of the Board.

F.   N.D.A.C. § 49-01-02-04(3) requires a licensee to be of good moral character and "ineligible to be licensed" if the licensee (a) engages in criminal conduct involving the client and/or (b) initiates or engages in any sexual conduct, sexual activities, or sexualizing behavior involving a current massage client of the licensee.

G.   The Board therefore found grounds exist to support allegations that Jennings violated N.D.C.C. § 43-25-10 and N.D.A.C. § 49-01-02-04 and decided to initiate a disciplinary action.

H.   Jennings acknowledges she has been informed and understands she has the right to seek the advice of legal counsel in this matter. Jennings acknowledges that she is represented in this matter by Jackson Lofgren, Suhr & Lofgren P.L.L.C., Bismarck, North Dakota.

I.   Jennings acknowledges she has been informed and understands she has the right to a hearing and appeal pursuant to N.D.C.C. ch. 43-25 and N.D.C.C. ch. 28-32 prior to any adverse action being taken against her license.

III.   AGREEMENT

The Board and Jennings agree to resolve this matter as follows:

1.   Jennings waives her right to an administrative hearing and appeal as set forth in N.D.C.C. ch. 43-25 and ch. 28-32.

2. Jennings agrees that her North Dakota massage therapist license will be revoked, for a period of five years after final discharge or release from any term of probation, parole or other form of community corrections, or imprisonment, without subsequent conviction, effective upon execution of the agreement.

3. There are no covenants, promises, undertakings, or understandings outside this Agreement other than those herein specifically set forth.

4. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflict of law principles.

5. Each undersigned party represents and declares that in signing this document they have relied solely upon their own judgment, belief, and knowledge and the advice and recommendation of their own independently selected counsel concerning the nature, extent, and duration of their rights and claims, and that they have not been influenced to any extent whatsoever in signing this document by representation or statements except those referred to or contained in this document.

6. This Agreement is effective when signed by both parties.

Dated this 20 day of _April_____, 2021.

_____
Jiang Min Jennings

State of _Illinois_____
County of _Cook_____

Subscribed and affirmed to before me
this 20 day of _APRL_____, 2021.

_____
Notary Public

Dated this 26 day of _April_____, 2021.

BOARD OF MASSAGE THERAPY

By: _____
Heidi Strain, President