

## SETTLEMENT AGREEMENT

### I. PARTIES

This settlement agreement is made and entered into by and between the Board of Massage Therapy (Board) and Andy Caso (Caso).

### 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 suspending, revoking, 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. Caso is a licensed to practice massage therapy in North Dakota (License No. 1522).

D. The Board received a complaint alleging Caso used improper draping techniques making the client feel uncomfortable and exposed.

E. N.D.C.C. § 43-25-10(1)(g) allows the Board to take disciplinary action against a licensee upon the grounds of violating a chapter or rule of the Board. N.D.A.C. § 49-03-01-01(4) requires therapists “provide draping and treatment in a way that ensures the personal safety, comfort, and privacy of the client.”

F. Therefore, the Board found grounds to support allegations that Caso violated N.D.C.C. § 43-25-10(1)(g) and N.D.A.C. § 49-03-01-01(4) and voted to initiate a disciplinary action.

G. Caso acknowledges he has been informed and understands he has the right to seek the advice of legal counsel in this matter.

H. Caso acknowledges he has been informed and understands he 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 his license.

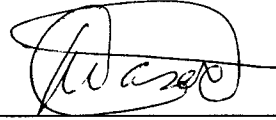
### III. AGREEMENT

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

1. Caso waives his right to an administrative hearing and appeal that are set forth in N.D.C.C. ch. 43-25 and ch. 28-32.
2. Caso will be on probation until December 31, 2021.
3. As a condition of probation, Caso must complete a minimum of two hours of ethics continuing education, and provide satisfactory proof to the Board of completion, by December 31, 2021.
4. Caso shall comply with all laws and rules related to the practice of massage therapy.
5. The Board will determine if Caso fulfills the terms of this Agreement. If Caso fails to fulfill the terms of this Agreement, the Board may take further disciplinary action against his license without a hearing or appeal.
6. There are no covenants, promises, undertakings, or understandings outside this Agreement other than those herein specifically set forth.
7. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflict of law principles.

8. This Agreement is effective upon signature by both parties.

Dated this 5 day of November, 2021.



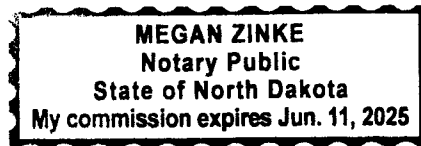
Andy Caso

State of North Dakota

County of Ward


Subscribed and affirmed to before me this 5th day of November, 2021.

  
Notary Public



Dated this 18<sup>th</sup> day of November, 2021.

BOARD OF MASSAGE THERAPY

By:   
Its President