

## SETTLEMENT AGREEMENT

### I. PARTIES

This settlement agreement is made and entered into by and between the Board of Massage Therapy (Board) and Eric M. Benson (Benson).

### 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. Benson is licensed to practice massage therapy in North Dakota (License No. 1372).

D. 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.

E. The Board found grounds within the allegations that Benson violated N.D.C.C. § 43-25-10(1)(g) and N.D.A.C. § 49-01-02-04(3)(b) and voted to initiate a disciplinary action.

F. Benson has reviewed the information found in the complaints, acknowledges that the Board has the authority to discipline him, but denies the allegations made against him.

G. Benson acknowledges he has been informed and understands he has the right to seek the advice of legal counsel in this matter. Benson acknowledges that he is represented in this matter by Tyler Morrow, Morrow Law, Grand Forks, ND.

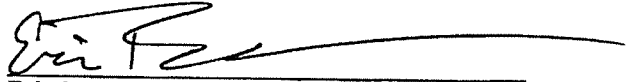
H. Benson acknowledges he has been informed and understands he has the right to a hearing and appeal pursuant to N.D.C.C. ch. 43-25 and N.D.C.C. ch. 28-32 prior to any adverse action being taken against his license.

**III. AGREEMENT**

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

1. Benson waives his right to an administrative hearing and appeal as set forth in N.D.C.C. ch. 43-25 and ch. 28-32.
2. Benson's massage therapy license will be suspended until January 31, 2023.
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. This Agreement is effective upon signature by both parties.

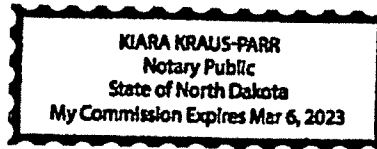
Dated this 26 day of September, 2022.

  
 Eric M. Benson

State of North Dakota )  
 ) ss.  
 County of Grand Forks )

Subscribed and affirmed to before me this 26 day of September, 2022.

  
 Notary Public



Dated this 26 day of September, 2022.

BOARD OF MASSAGE THERAPY

By:   
 Its President