

SETTLEMENT AGREEMENT

I. PARTIES

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

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. Fitterer is licensed to practice massage therapy in North Dakota by the Board.

C. 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.

D. N.D.C.C. § 43-25-10(1)(h) allows the Board to take disciplinary action against a licensee upon the grounds of violating N.D.C.C. ch. 43-25 or rule of the Board.

E. The Board found grounds to support allegations that Fitterer violated N.D.C.C. § 43-25-10(1)(h) and N.D.A.C. § 49-01-02-04(3)(b), and decided to initiate a disciplinary action.

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

G. Fitterer 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 Fitterer agree to resolve this matter as follows:

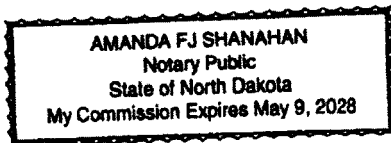
1. Fitterer waives his right to an administrative hearing and appeal that are set forth in N.D.C.C. ch. 43-25 and ch. 28-32.
2. Fitterer's massage therapy license is placed on probation for a period of six months from the date this Agreement is fully executed.
3. As a condition of probation, Fitterer shall comply with all laws and rules related to the practice of massage.
4. As a condition of probation, Fitterer must, within 60 days from the date this Agreement is fully executed, Fitterer must provide the Board with proof of successful completion of three hours of continuing education related to sexual boundaries. The expense of the continuing education will be paid by Fitterer. The continuing education may not be used to satisfy the continuing education required by N.D.C.C. § 43-25-09, N.D.A.C. § 49-01-02-05, or any other continuing education required by law, rule, or the Board.
5. The Board will determine if Fitterer fulfills the terms of this Agreement. If Fitterer fails to fulfill the terms of this Agreement, the Board may take further disciplinary action against Fitterer's 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.

Dated this 26th day of November, 2025.

Gavin Fitterer
Gavin Fitterer

State of North Dakota
County of Cass

Subscribed and affirmed to before me this 26th day of November, 2025.



[Signature]
Notary Public

Dated this 29th day of December, 2025.
~~26th~~ ~~November~~

BOARD OF MASSAGE THERAPY

By: Rochelle Hagen
Rochelle Hagen
Its President