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Massage & Bodywork Therapy

**FILED**

**FEB 22 2021**

**BOARD OF MASSAGE  
AND BODYWORK THERAPY**

By: Roman Guzik  
Deputy Attorney General  
Tel. (973) 648-2779

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE & BODYWORK THERAPY

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IN THE MATTER OF THE LICENSE OF : Administrative Action  
: :  
**DOMINIQUE HERNANDEZ, LMBT** : CONSENT ORDER  
**LICENSE NO. 18KT01195200** : OF VOLUNTARY SURRENDER  
: :  
TO PRACTICE MASSAGE AND :  
BODYWORK THERAPY IN THE :  
STATE OF NEW JERSEY :

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This matter was opened to the New Jersey Board of Massage and Bodywork Therapy ("Board") upon receipt of information that on December 16, 2020, Dominique Hernandez ("Respondent") was charged with a violation of N.J.S.A. 2C:14-3(b) (Criminal Sexual Contact), a crime of the fourth degree, for allegedly removing the sheet covering N.K.'s breasts, and then massaging N.K.'s breasts and nipples, and asking N.K. what her cup size was, during a massage therapy session on or about December 12, 2020.

The criminal conduct that Respondent is charged with having engaged in, if proven, would demonstrate that Respondent engaged in professional misconduct, and/or acts constituting a crime or offense involving moral turpitude and relating adversely to the practice of massage and bodywork therapy, and/or sexual misconduct, and would provide grounds for the suspension or revocation of Respondent's license to practice as a massage and bodywork therapist in the State of New Jersey, pursuant to N.J.S.A. 45:1-21(e), N.J.S.A. 45:1-21(f), and/or N.J.S.A. 45:1-21(h), based on a violation of N.J.A.C. 13:37A-3.5.

Respondent desires to resolve this matter on an interim basis without formal disciplinary proceedings, and agrees to immediately voluntarily surrender his license, to be deemed a temporary suspension. Respondent does so without making any admissions of wrongdoing or liability. The Board finding that Respondent's agreement to voluntarily surrender his license is adequately protective of the public health, safety and welfare, and for good cause shown;

**IT IS ON THIS 22<sup>nd</sup> day of February, 2021**

**ORDERED AND AGREED THAT,**

1. Respondent shall immediately voluntarily surrender his license to practice as a massage and bodywork therapist in New Jersey, and said surrender is deemed a temporary suspension of his license. The temporary suspension shall be effective upon the

filing of this Order, and shall remain in effect until the conclusion of all criminal proceedings and until further Order of the Board.

2. Respondent shall immediately cease and desist from holding himself out as a massage and bodywork therapist and shall cease and desist from engaging in any practice of massage and bodywork in the State of New Jersey pending further Order of the Board.

3. Respondent shall immediately forward his massage and bodywork therapy license, along with his wallet-sized biennial renewal license to the State Board of Massage and Bodywork Therapy, Attention: ToniAnn Petrella-Diaz, Executive Director, State Board of Massage and Bodywork Therapy, 124 Halsey Street, P.O. Box 45048, Newark, New Jersey 07101.

4. Nothing contained herein shall be deemed an admission of liability on the part of Respondent.

5. The entry of the within Order is without prejudice to the further investigation and/or prosecution of any violations by Respondent of any statutes or regulations governing the practice of massage and bodywork therapy in the State of New Jersey or any other violations of law, by the Board, the Attorney General, or any other regulatory or law enforcement agency, including, but not limited to, any pending matters under investigation.

6. Nothing herein shall preclude the Board from initiating further disciplinary action based upon the conduct as alleged above or upon disposition of the criminal matter.

7. Upon the conclusion of all criminal proceedings, Respondent may petition the Board for modification of the terms of this Order. At minimum, prior to any modification of the terms of this Order, Respondent shall:

a. Appear before the Board, or a committee thereof, to discuss his readiness to resume the practice of massage and bodywork therapy;

b. Demonstrate to the satisfaction of the Board that he is fit and capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare; and

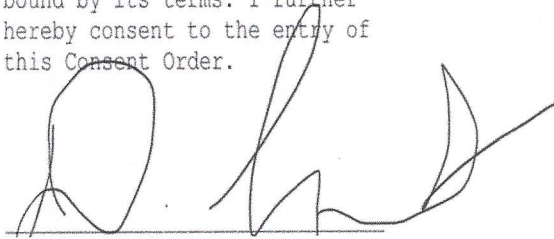
c. Provide the Board with all requested documentation regarding the resolution of the criminal matter.

8. In the event that the terms of this Order are modified following the resolution of all criminal charges and subsequent to an appearance as mandated by paragraph 7 of the within Order, the Board reserves all rights to impose limitations, and/or restrictions upon Respondent's license.

NEW JERSEY STATE BOARD OF MASSAGE AND  
BODYWORK THERAPY

By: David Bank  
David Bank, LMBT  
Chairperson

I have read and I understand  
this Consent Order and agree to be  
bound by its terms. I further  
hereby consent to the entry of  
this Consent Order.

A handwritten signature in black ink, appearing to read 'D Hernandez', written over a horizontal line.

Dominique Hernandez, LMBT