

**BEFORE THE IOWA BOARD OF MASSAGE THERAPY**

RE:  
Massage Therapist License of

**KEVIN THOREN**  
License No. 04274  
Respondent

CASE NO. 17-0116

**COMBINED STATEMENT OF  
CHARGES, SETTLEMENT  
AGREEMENT, AND FINAL ORDER**

**COME NOW** the Iowa Board of Massage Therapy (“Board”) and Kevin Thoren (“Respondent”), 814 NE 5<sup>th</sup> St, Ankeny IA, 50021, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Order”) pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2017), and 645 IAC chapter 12. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 147, 152C, and 272C, and 645 IAC chapter 134.

**A. STATEMENT OF CHARGES**

**COUNT I**

1. Respondent is charged with improper sexual contact with a client and may be disciplined pursuant to Iowa Code sections 147.55(3) and 152C.7, and 645 IAC 134.2(28)"b".

**B. FACTUAL CIRCUMSTANCES**

2. Respondent holds Iowa license number 04274 to practice massage therapy, which is currently active through June 15, 2018.

3. Respondent touched a client’s breasts for a non-therapeutic purpose.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

5. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

6. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board’s action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. Respondent acknowledges that he has the right to be represented by counsel on this matter.

8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

9. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

11. This Order shall not be binding as to any new complaints received by the Board.

12. Respondent understands the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.

13. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

14. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

15. Respondent agrees to **VOLUNTARILY SURRENDER** his massage therapy license to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 645 IAC 12.1(5).

16. Respondent agrees not to use any words or titles which imply or represent that he is a licensed massage therapy, or to otherwise hold himself out to the public as a licensed massage therapist, or to engage in the practice of massage therapy for which a license is required in the State of Iowa unless his license is reinstated. Respondent may not request reinstatement for at least one (1) year from the date of this Order. Any request for reinstatement shall be governed by 645 IAC 11.31 and 131.15.

17. Respondent shall return his massage therapy license to the Board immediately upon the Board's approval of this Order.

18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 152C, and 272C and 645 IAC chapters 13 and 134.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the \_\_\_ day of \_\_\_\_\_, 2018.



\_\_\_\_\_  
KEVIN THOREN

Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Massage Therapy on the 4 day of September, 2018.



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Chairperson

Iowa Board of Massage Therapy