

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GARY A. SITES, C.M.T.  
License No.: 0019-010231

CONSENT ORDER

By letter dated October 24, 2014, the Board noticed Gary A. Sites, C.M.T., for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Mr. Sites, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the certificate of Mr. Sites to practice as a massage therapist in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Gary A. Sites, C.M.T., was issued Certificate No. 0019-010231 to practice as a massage therapist by the Virginia Board of Nursing on December 16, 2011. Said certificate was summarily suspended by Order of the Board entered October 24, 2014.
2. During the course of his employment with the Boar's Head Inn, Charlottesville, Virginia, on or about July 28, 2014, while providing a fellow female employee with a massage, he touched the employee's genitals and placed his mouth on the employee's breast without her consent.
3. The victim reported the incident to multiple staff members and stated that she was uncomfortable with the touching. Mr. Sites admitted that sexual contact occurred between him and the fellow employee. He stated that he was attracted to the victim. He resigned his employment with the Boar's Head Inn the day after the incident. Mr. Sites is currently receiving treatment for depression.
4. Mr. Sites is currently employed with Massage Envy, Charlottesville, Virginia.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists, as referenced in § XIV of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork

CONSENT

Gary A. Sites, C.M.T., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to a formal hearing;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice as a certified massage therapist in Virginia.


ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Certificate No. 0019-010231 of Gary A. Sites, C.M.T., is REVOKED.
2. The certificate will be recorded as suspended and no longer current.
3. The certificate of Gary A. Sites, C.M.T., will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Mr. Sites seek reinstatement of his certificate after three years, he shall be responsible for any fees that may be required for the reinstatement of his certificate prior to issuance of his certificate to resume practice. The reinstatement of Ms. Sites' certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

  
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Jay P. Douglas, MPM, RN, CSAC, FRE  
Executive Director  
Board of Nursing

ENTERED: 11-18-14

SEEN AND AGREED TO:

Gary A. Sites  
Gary A. Sites, C.M.T.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Charlottesville, TO WIT:

Subscribed and sworn to before me Sarah Kathryn Hamfeldt, a Notary Public, this 3 day of November, 2014. by Gary Allen Sites.

My commission expires \_\_\_\_\_ →

Registration Number \_\_\_\_\_ →



Sarah Kathryn Hamfeldt  
NOTARY PUBLIC

Certified True Copy

By draham  
Virginia Board Of Nursing