

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       WESLEY O. VENEY, C.M.T.**  
**Certificate No.: 0019-011480**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 20, 2015, in Henrico County, Virginia, to inquire into evidence that Wesley O. Veney, C.M.T., may have violated certain laws and regulations governing massage therapy practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Mr. Veney was present and was represented by Frankie C. Coyner, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Wesley O. Veney, C.M.T., was issued Certificate No. 0019-011480 to practice as a massage therapist in the Commonwealth of Virginia on May 21, 2013. Said certificate was summarily suspended by an Order of the Board entered on October 24, 2014.
2. During the course of his employment with The Spa at Massanutten, Harrisonburg, Virginia, on August 28, 2014, while providing Client A with a massage, Mr. Veney kissed Client A on the mouth, touched her anus and vagina, and rubbed her breasts and buttocks. He also asked the client inappropriate questions. At the formal hearing, Client A credibly testified to what occurred.
3. The spa manager testified that Client A was quietly shaken and tearful when Client A

reported the incident. Client A told the spa manager repeatedly that this was her first massage, and she did not know what to do. The spa manager testified that she read to Mr. Veney the client's complaints against him and he did not respond initially, but then Mr. Veney said, "I thought she liked me." She further testified that she terminated Mr. Veney's employment based on his demeanor during her interview with him.

4. An investigator for the Virginia Department of Health Professions testified that Mr. Veney told him that if Client A did not want him to go further, she would have told him.

5. During the formal hearing, Mr. Veney admitted to asking Client A to go salsa dancing, asking for her phone number, and kissing her while she was on the massage table. He acknowledged that he did not receive verbal or written consent from Client A to massage her buttocks. He testified that he crossed a professional boundary and acknowledged Client A was in a vulnerable position. Mr. Veney did not express an appropriate level of appreciation for what he had done.

#### CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (3), (5), and (8) of the Code of Virginia (1950), as amended ("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.

#### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:


1. Certificate No. 0019-011480 issued to Wesley O. Veney, C.M.T., to practice as a massage therapist in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate will be recorded as REVOKED and no longer current. Pursuant to

§ 54.1-2408.2 of the Code, should Mr. Veney 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 Mr. Veney's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

3. At such time as Mr. Veney shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of massage therapy.

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 on request.

FOR THE BOARD

  
So Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

June 25, 2015  
ENTERED

Certified True Copy

By d. Graham  
Virginia Board Of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.