

COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
BOARD OF LICENSURE FOR MASSAGE THERAPY  
ADMINISTRATIVE ACTION NO. 2020-BLMT-0003

KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY

PETITIONER

VS.

DANNY ACOSTA-GONZALEZ

RESPONDENT

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**AGREED ORDER**

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This matter having come before the Kentucky Board of Licensure for Massage Therapy (the “Board”) based upon information received by the Board in two complaints to the Board, Respondent Danny Acosta-Gonzalez and the Board hereby agree to resolve this matter under the following terms:

1. A review of the Board’s records establishes that two separate complaints were submitted to the Board regarding the Respondent’s unprofessional conduct, Board complaint numbers 2019-04 and 2019-09.
2. The Board is authorized under KRS 309.355 to take disciplinary action against licensees. Sufficient evidence exists in this matter for the Board to take disciplinary action under KRS 309:355 and 201 KAR 42:060 Section 1(10).
3. Respondent has at all times relevant to these proceedings had the opportunity to seek advice from competent legal counsel of his choice. Respondent has not been Coerced in any respect to enter into this Agreement, nor have any promises been made other than those reflected in this Agreement.
4. Respondent freely and voluntarily enters into this Agreement for the purposes of resolution of the issues presented herein, and affirms he has executed this Agreement only after a careful reading and understanding of all of its terms.
5. Respondent does not contest the above-captioned disciplinary action by the Board to revoke his license.
6. Respondent recognizes that if this matter was to go to an Administrative Hearing, there may exist sufficient evidence to sustain a disciplinary action against Respondent. Respondent nevertheless desires to settle this matter in an expeditious manner without resorting to an administrative hearing, and in doing so he does not admit to, and expressly denies any wrongdoing or liability.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants and agreements set forth herein, the adequacy and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

7. Respondent shall voluntarily surrender his license effective as of the date he signs this agreed order.
8. Effective as of the date he signs this agreed order, Respondent shall not practice massage therapy or hold himself out as a massage therapist in Kentucky in accordance with KRS 309.353.
9. The Board shall:
  - a. Revoke the license of Danny Acosta-Gonzalez; and
  - b. Not seek any additional action against the Respondent based on the factual allegations and complaints set forth in this Agreed Order.
10. The Board shall resolve administrative action number 2020-BLMT-0003, close Board complaints 2019-04 and 2019-09, and indicate that Respondent's license was disciplined on the Board's website.

#### **ACCEPTANCE BY THE BOARD**

11. Respondent acknowledges that this Agreement, after his execution of same, shall be presented to the Board with a recommendation for approval from the Board's Counsel at the next regularly scheduled meeting of the Board following receipt of the executed agreement. The Agreement shall not become effective until it has been approved by the Board and endorsed by the Chair of the Board. Respondent understands the Board is under no obligation to accept or reject this Agreement, and hereby waives any right he may have had to challenge, based upon the presentation of this Agreement to the Board, the impartiality of the Board to hear an administrative action if this Agreement is rejected. If this Agreement is rejected by the Board, it shall be regarded as null and void, and of no effect. No statement or term contained in this Agreement will be regarded as evidence in any subsequent disciplinary hearing, nor shall any inference be taken from Respondent's willingness to enter into this Agreement.

#### **OPEN RECORDS**

12. Respondent acknowledges this Agreed Order is subject to disclosure under the Kentucky Open Records Act, may be reportable under Federal law, and may be shared with any professional organization or licensing board as the Board deems appropriate, in its discretion.

**AUTHORITY TO BIND**

13. All Parties and their undersigned representatives warrant and represent that they have the requisite power and authority to enter into this Agreement and to effectuate the purposes herein, and that this Agreement shall be legally binding and enforceable against each Party in accordance with terms of the Agreement.

**GOVERNING LAW**

14. This Agreement shall be governed in all respects by the laws of the Commonwealth of Kentucky. Any disputes arising under this Agreement shall be resolved in the Circuit Court of Franklin County, Kentucky; the Parties consent and agree to the *in personam* jurisdiction of such Court.

**RELEASE OF LIABILITY**

15. In consideration of execution of this Agreement, the Respondent, together with any of his executors, administrators, agents, successors and assigns, do hereby release and forever discharge the Complainants, Commonwealth of Kentucky, the Kentucky Board of Licensure for Massage Therapy, the Department of Professional Licensing, and each of their members, agents, and employees in both their individual and representative capacities, of and from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known or unknown, in law or equity, which Respondent ever had, now has, may have or claim to have against any or all of the entities or persons named in this paragraph arising out of or by reason of this investigation, this settlement, or its administration.

**COMPLETE AGREEMENT**

16. This Agreed Order embodies the entire agreement between the Board and Respondent. It may not be altered, amended, or modified without the express written agreement of both parties. The effective date of this Agreed Order shall be the date of its acceptance by the Board, as signified by the signature of the Board Chair.

**FINAL ORDER**

Pursuant to KRS 13B.110(5), after having reviewed the administrative record, the Board adopts and incorporates by reference the statements made above as Findings of Fact for purposes of this Final Order;

**IT IS HEREBY ORDERED THAT:**


- 1. Respondent’s license is revoked; and
- 2. Administrative Action 2020-BLMT-0003 is resolved.


THIS IS A FINAL AND APPEALABLE ORDER. A party may institute an appeal of this Final Order by filing a Petition in the appropriate court within thirty (30) days after the Final Order is mailed or delivered by personal service.

1 Brandy Madding

8/10/21

Brandy Madding Date  
*Chair, Kentucky Board of Licensure for Massage Therapy*

  
Danny Acosta-Gonzalez 7/21/2021  
*Respondent* Date

  
Robert Boyd, 8/2/2021  
*BOYD & JONES, PLLC, counsel for Respondent* Date

/s/ August Lincoln Pozgay July 16, 2021  
*August Lincoln Pozgay* Date  
*Board Counsel*

**CERTIFICATE OF SERVICE**

I certify that I provided a true and accurate copy of this Agreed Order on the 24<sup>th</sup> day of August, 2021, via e-mail upon:

James I. Howard, Executive Director, Public Protection Cabinet, Office of Administrative Hearings  
500 Mero Street, 218 NC, Frankfort, KY 40601, [jim.howard@ky.gov](mailto:jim.howard@ky.gov)

Robert E. Boyd, Esq., Boyd & Jones, PLLC,  
6708 Shepherdsville Road, Suite 3, Louisville, KY 40218, [robert@boydjoneslaw.com](mailto:robert@boydjoneslaw.com)

Leah Cooper Boggs, Public Protection Cabinet, Office of Legal Services  
500 Mero Street, Frankfort, KY 40601, [lboggs@ky.gov](mailto:lboggs@ky.gov)

*/s/ Tammy Sharp*  
Tammy Sharp, Board Administrator