

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

MEL E. LAYCOCK,
RESPONDENT

FINAL DECISION AND ORDER
LS0101241MTB

The parties to this action for the purposes of § 227.53, Stats, are:

Mel E. Laycock
4500 S. Quimby Avenue
New Berlin, WI 53151

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mel E. Laycock, Respondent, date of birth December 19, 1948, is registered by the Department of Regulation and Licensing as a massage therapist or bodyworker in the state of Wisconsin, pursuant to license number 1533, which was first granted February 11, 2000.
2. Respondent's most recent address known to the Department of Regulation and Licensing is 4500 S. Quimby Avenue, New Berlin, WI 53151.
3. During the events of this matter, Respondent was employed as a massage therapist at the Vesta Center for Wholeness and Health Spa in Nashotah, Wisconsin.
4. Ms. A received a gift certificate for a full body massage which was redeemable at Vesta Center. Ms. A made an appointment for a full body massage from Respondent at Vesta Center on June 30, 2000.
5. Prior to June 30, 2000, Ms. A had full body massages in her life, but had never received services from Respondent. On that date, Ms. A completely disrobed and laid on her stomach on the massage table, covered by a sheet.
6. Ms. A has no complaints regarding the manner in which Respondent performed the massage while she was lying on her stomach. However, after Ms. A turned and laid on her back, she believes that Respondent, in performing the massage, touched her nearer to her genitals than was appropriate, which made her uncomfortable. Ms. A also believes that during that portion of the massage, Respondent did not maintain appropriate draping of her unclothed body.

7. Respondent contends that during the massage, he realized he had taken too much time performing deep tissue work, became nervous and hurried to complete all the routines he had originally planned to perform.
8. Respondent agrees that in completing the massage, his techniques became sloppy, he inadvertently touched too close to Ms. A's genital area and his draping of Ms. A was poor.
9. Ms. A's concern about what occurred during the massage was reported to Respondent's supervisor at Vesta Center and Respondent's employment at Vesta Center was terminated.
10. Respondent has reconsidered his desire to be registered as a massage therapist or body worker and for personal reasons, has agreed to surrender his license of registration as a massage therapist or bodyworker in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to § 440.986(2), Stats.
2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
3. Respondent, by engaging in the conduct described in the Findings of Fact, is subject to discipline pursuant to § 440.986(2)(g), Stats., and Wis. Admin. Code § RL 94.01(10).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the surrender by Mel E. Laycock of his license of registration as a massage therapist or bodyworker in the State of Wisconsin is hereby accepted, effective immediately.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 24th day of January, 2001.

Marlene A. Cummings

Secretary

Department of Regulation and Licensing