

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

CARL L. LIPETRI,

FINAL DECISION AND ORDER

RESPONDENT

LS0203062MTB

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

Carl L. Lipetri

7044 E. Buss Road

Clinton, WI 53525

Department of Regulation and Licensing

P.O. Box 8935

Madison, WI 53708-8935

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. Carl L. Lipetri, Respondent, date of birth August 30, 1938, is registered by the Department of Regulation and Licensing as a massage therapist or bodyworker in the state of Wisconsin, pursuant to license number 83, which was first granted April 23, 1999.
2. Respondent was granted a 3-year non-renewable license of registration as a massage therapist and bodyworker pursuant to the nonstatutory provisions of 1997 Wisconsin Act 156, § 16(1)(b). Respondent's license of registration expires April 23, 2002.
3. Respondent's last address reported to the Department of Regulation and Licensing is 7044 E. Buss Road, Clinton, WI 53525.
4. During the events of this matter, Respondent was employed as a massage therapist at the Center for Therapeutic Massage in Janesville, Wisconsin.
5. Ms. A was referred to Respondent by her chiropractor for treatment of pain in the neck, shoulders, back, arms, chest, hips and legs and tingling in her fingers, all resulting from a car accident. Ms. A's insurance company approved five sessions and Ms. A saw Respondent for massage therapy on March 5, 12 and 19 and April 2 and 16, 2001.

6. During the third session, Respondent told Ms. A about "Tantric Massage," based on Tantric Yoga. He said it provides emotional and/or sexual release and the potential for total body release. Respondent provided Ms. A with some Tantric Massage literature which he had available in the massage room.

7. There is a consensus (not held by Respondent) in the profession that Tantric Massage is intended for lovers or couples and should not be part of professional massage therapy. As an example, Standard VI of the Standards of Practice for the National Certification Board for Therapeutic Massage and Bodywork states:

"The certificant shall refrain from any behavior that sexualizes, or appears to sexualize, the client/therapist relationship. The certificant recognizes that the intimacy of the therapeutic relationship may activate practitioner and/or client needs and/or desires that weaken objectivity and may lead to sexualizing the therapeutic relationship. In his/her professional role the certificant shall . . .not touch the genitalia . . .only provide therapeutic breast massage as indicated in the plan of care . . ."

8. During the fourth session on April 2, 2001, Respondent initially provided the same treatment as in the earlier sessions. Although it was not indicated in the plan of care, Respondent also massaged Ms. A's breasts, with her consent. Respondent and Ms. A then had a discussion regarding Tantric Massage. Ms. A verbally consented to Tantric Massage and Respondent performed the Tantric Massage, including touching her genitalia and inserting his finger between her labia.

9. Following the Tantric Massage with genital contact, Respondent asked Ms. A if she wanted "to do him now." Respondent contends that he was asking if she wanted to give him a massage and that this was an attempt at humor with no sexual intent. Ms. A contends that she understood Respondent to be asking her if she would bring him to orgasm.

10. On April 16, 2001, Ms. A returned for her fifth session. Respondent massaged Ms. A's breasts and performed Tantric Massage, including touching her genitalia and inserting his finger between her labia, all with her consent.

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 inappropriate sexual conduct, exposure or gratification, or other sexual behavior with or in the presence of a client, has violated Wis. Admin. Code § RL 94.01(11), and is subject to discipline pursuant to § 440.986(2)(g), Stats.

ORDER

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

A substantial suspension of Respondent's license of registration might have been appropriate in this matter, but was not a viable option because Respondent's license of registration will expire on April 23, 2002 and can not be renewed.

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 27th day of March, 2002.

Oscar Herrera

Secretary

Department of Regulation and Licensing