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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