

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY & BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

SAFETY & PROF SERVICES
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IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

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FINAL DECISION AND ORDER

KEVIN J. ROYS,
RESPONDENT.

ORDER 0002275

Division of Legal Services and Compliance¹ Case No. 12 MTB 014

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Kevin J. Roys
1129 Emerald Street
Madison, WI 53715

Wisconsin Massage Therapy & Bodywork Therapy Affiliated Credentialing Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Massage Therapy & Bodywork Therapy Affiliated Credentialing Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kevin J. Roys, (dob: December 16, 1980) is licensed in the State of Wisconsin as a massage therapist or bodywork therapist, having license number 146-4280, first issued on November 29, 2010, and current through February 28, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 514 Engelhart Drive, Madison, Wisconsin 53713-4742. However, the

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Department has obtained information that Respondent's current address is now 1129 Emerald Street, Madison, WI 53715.

2. On August 16, 2012, Client A presented to Respondent for a massage in Madison, Wisconsin. Toward the end of the massage, Respondent put his fingers in Client A's vagina and then asked her "So is that what you want when you come back to see me?" Client A did not respond and left the office. She reported the incident to her mother.

3. On August 17, 2012, Client A's mother telephoned the massage office where Respondent worked and reported to Respondent's employer the sexual misconduct by Respondent.

4. On that same date, Respondent's employer questioned him about the incident and Respondent admitted that he committed the sexual assault. Respondent's employer immediately terminated Respondent's employment at that office.

5. On September 26, 2012, Respondent was criminally charged in Dane County Court (Case No. 2012CF001887) for the following and the case is currently pending:

- a. Count I, 3rd Degree Sexual Assault, Felony G;
- b. Count II, 4th Degree Sexual Assault, Misd. A.

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy & Bodywork Therapy Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.14 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § MTBT 5.01(11) by engaging in inappropriate sexual conduct, exposure or gratification, or other sexual behavior with or in the presence of a client.

3. As a result of the above conduct, Respondent Kevin J. Roys, is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g).

ORDER

- 1. The attached Stipulation is accepted.
- 2. The VOLUNTARY SURRENDER of the massage therapist or bodywork therapy license issued to Respondent Kevin J. Roys (license no. 146-4280) has hereby been accepted.
- 3. In the event that Respondent re-applies for licensure as a massage therapist or bodywork therapy in the future, the Board may enter an order denying such application without

further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. In the event that Respondent ever reapplies for any credential in Wisconsin Respondent shall, prior to such application, pay costs of this proceeding in the amount of One Hundred Thirty Dollars (\$130.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

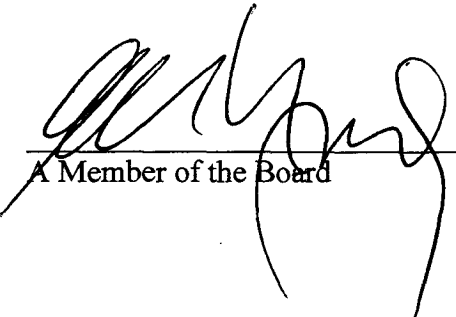
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (146-4280) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

WISCONSIN MASSAGE THERAPY & BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

by:


A Member of the Board

January 29, 2013
Date