

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES S. STORM,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 2551

Division of Legal Services and Compliance Case No. 13 MTB 001

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

James S. Storm
1275 Wittman Park Lane, Apt. 7
Menasha, WI 54952

Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Massage Therapy and 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 James S. Storm (dob October 18, 1971) is licensed in the State of Wisconsin as a massage therapist or bodywork therapist, having license number 3012-146, first issued on November 5, 2010, and expired on February 28, 2013. James S. Storm's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1620 S. Lawe Street, Suite #4, Appleton, Wisconsin 54915. Upon information and belief, Respondent's current address is 1275 Wittman Park Lane, Apartment 7, Menasha, Wisconsin 54952.

2. On April 19, 2012, Client A, a then 18 year old female, presented to Respondent for a massage therapy appointment. During the course of the therapy appointment, Client A alleges that Respondent engaged in sexual misconduct.

3. On November 15, 2012, Client B, a then 42 year old female, presented to Respondent for a massage therapy appointment. During the course of the therapy appointment, Client B alleges that Respondent engaged in sexual misconduct.

4. Respondent denies the above allegations and his agreement to this order is not an admission of guilt. Respondent has chosen not to practice massage therapy in the future.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy and 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).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent James S. Storm, of his license to practice as a massage therapist and bodywork therapist in the State of Wisconsin and his right to renew that license is hereby ACCEPTED.

3. If Respondent ever makes application to the Board for any credential:

- a. Respondent shall provide proof sufficient to the Board that he can practice as a massage therapist and bodywork therapist with reasonable safety and skill.
- b. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board.
- c. Respondent shall, prior to becoming licensed, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of \$1,300.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance

Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

by: 
A Member of the Board

10/24/2014
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES S. STORM,
RESPONDENT.

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STIPULATION

ORDER 2551

Division of Legal Services and Compliance Case No. 13 MTB 001

Respondent James S. Storm, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation. Respondent's consent does not constitute an admission of guilt to the allegations and he has chosen not to practice massage therapy in the future.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

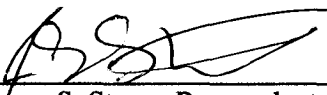
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



James S. Storm, Respondent
1275 Wittman Park Lane, Apt. 7
Menasha, WI 54952
License no. 3012-146

8/13/14
Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9/2/14
Date