

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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/wscga>

- 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 DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARNARDO D. JOHNSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003170

Division of Legal Services and Compliance Case No. 13 MAB 010

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

Carnardo D. Johnson
1535 Capital Drive, Apt. 207
Green Bay, WI 54303

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 Carnardo D. Johnson, (dob August 30, 1977), is licensed in the State of Wisconsin to practice massage therapy and bodywork therapy, having license number 11598-146, first issued on December 30, 2011. This license expired on March 1, 2013, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of fee until February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1535 Capital Drive, Apt. 207, Green Bay, Wisconsin 54303.

2. At all times relevant to this proceeding, Respondent was employed as a massage and bodywork therapist at Indira Aveda Lifestyle Salon Spa (Spa) in Green Bay, Wisconsin.

3. On December 20, 2013, Respondent was convicted in Brown County Court case no. 13CM1487 of the following:

a. Fourth Degree Sexual Assault in violation of Wis. Stat. § 940.225(3m), a Class A Misdemeanor. Respondent, while performing massage therapy engaged in sexual contact with Client A without Client A's consent.

b. Fourth Degree Sexual Assault in violation of Wis. Stat. § 940.225(3m), a Class A Misdemeanor. Respondent, while performing massage therapy engaged in sexual contact with Client B without Client B's consent.

c. Fourth Degree Sexual Assault in violation of Wis. Stat. § 940.225(3m), a Class A Misdemeanor. Respondent, while performing massage therapy engaged in sexual contact with Client C without Client C's consent.

d. Fourth Degree Sexual Assault in violation of Wis. Stat. § 940.225(3m), a Class A Misdemeanor. Respondent, while performing massage therapy engaged in sexual contact with Client D without Client D's consent.

4. 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).

2. By the conduct described in the Findings of Fact, Respondent Carnardo D. Johnson, violated Wis. Stat. § 460.14(2)(b), by having been convicted of an offense the circumstances of which substantially relate to the practice of massage therapy or bodywork therapy.

3. By the conduct described in the Findings of Fact, Respondent Carnardo D. Johnson, engaged in unprofessional conduct pursuant to 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.

4. By the conduct described in the Findings of Fact, Respondent Carnardo D. Johnson, engaged in unprofessional conduct pursuant to Wis. Admin. Code § MTBT 5.01(30), by having sexual contact or sexual intercourse with a client that occurred on or after March 1, 2003.

5. As a result of the above conduct, Carnardo D. Johnson is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g).

ORDER

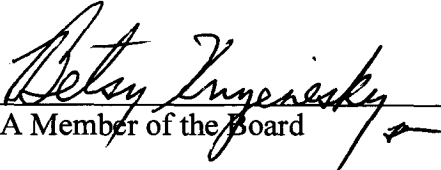
1. The attached Stipulation is accepted.
2. The Board accepts the SURRENDER of the registration and license to practice massage therapy and bodywork therapy of Respondent Carnardo D. Johnson.
3. Respondent is on notice that he may not engage in the practice of massage therapy or bodywork therapy in the State of Wisconsin, nor may he hold himself out as one so licensed or otherwise authorized to practice massage therapy or bodywork therapy in this state.
4. This SURRENDER constitutes Respondent's relinquishment of his license to practice massage therapy and bodywork therapy in the State of Wisconsin.
5. Respondent shall not reapply for licensure unless and until the criminal charges set forth in the Findings of Fact above are vacated.
5. Respondent shall immediately return all indicia of Wisconsin licensure to the Department Monitor at the address below.
6. Before the Board will consider an application in the future, Respondent shall pay COSTS of this matter in the amount of \$316.50.
7. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

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

WISCONSIN MASSAGE THERAPY AND BODYWORK AFFILIATED CREDENTIALING BOARD

by:


A Member of the Board

Date

4-21-14

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CARNARDO D. JOHNSON,
RESPONDENT.

:
:
:
:
:

STIPULATION
0003170

Division of Legal Services and Compliance Case No. 13 MAB 010

Respondent Carnardo D. Johnson, 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.

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.

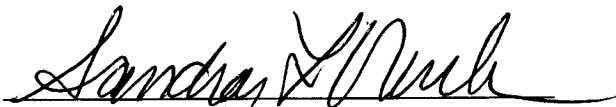
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Carnardo D. Johnson, Respondent
1535 Capital Drive, Apt. 207
Green Bay, WI 54303
License no. 11598-146

4-2-14
Date



Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

4/16/14
Date