

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN B. PORTER,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003377**

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Division of Legal Services and Compliance Case No. 12 MTB 012

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

John B. Porter  
2256 S. Dover Ct.  
Lakewood, CO 80227

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 John B. Porter (dob September 7, 1967) is licensed in the State of Wisconsin as a massage therapist or bodywork therapist, having license number 4554-146, first issued on January 31, 2011, and current through February 28, 2013. John B. Porter's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 1968, Milwaukee, Wisconsin 53201. Upon information and belief Respondent now resides at 2256 South Dover Court, Lakewood, Colorado 80227.

2. On June 20, 2010, Respondent provided a massage for Client A.

3. Respondent made statements that Client A considered sexual in nature and made her feel uncomfortable.
4. Respondent denies sexual content or intent but acknowledged his comments made Client A uncomfortable.
5. In resolution of this matter, Respondent denies wrong-doing but does not intend to practice in Wisconsin and 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 of the license by Respondent John B. Porter, (license no. 4554-146) required to practice massage therapy and bodywork therapy in the state of Wisconsin, and the right to renew that license is hereby accepted, effective the date of this Order.
3. Respondent shall immediately return all indicia of licensure in his position to the Department Monitor at the following address:

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD

by: Betsy Kuyersky  
A Member of the Board

9-15-14  
Date

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

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN B. PORTER,  
RESPONDENT.

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STIPULATION

0003377

Division of Legal Services and Compliance Case No. 12 MTB 012

Respondent John B. Porter 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.

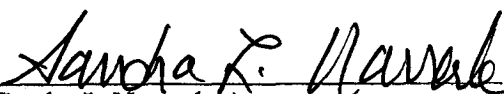
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
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John B. Porter, Respondent  
2256 S. Dover Ct.  
Lakewood, CO 80227  
License no. 4554-146

4/30/14  
Date

  
\_\_\_\_\_  
Sandra L. Nowack, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/5/14  
Date