

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 :
 : FINAL DECISION AND ORDER
NOLAN T. LEE, :
RESPONDENT. :

0004380

Division of Legal Services and Compliance Case No. 15 MAB 010

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

Nolan T. Lee
4722 N. 29th Street
Milwaukee, WI 53209

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 Nolan T. Lee (dob August 6, 1984), is licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 12627-146, first issued on October 8, 2013, and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4722 N. 29th Street, Milwaukee, Wisconsin 53209.

2. On May 22, 2015, the Department received a complaint alleging that Respondent had engaged in sexual relations with a client in the course of providing her with massage therapy. As a result, the Department opened investigation 15 MAB 010.

3. On July 24, 2015, a Department investigator interviewed the complainant, who described three massage therapy sessions she had with Respondent between November 2014 and May 13, 2015. The first session was unremarkable, but during the second session Complainant felt that Respondent began “pushing the boundaries” by partially exposing her buttocks, massaging noticeably close to her “private areas,” and by initiating conversations about their respective romantic relationships.

4. During the third session, Respondent and complainant engaged in sexual intercourse.

5. On July 27, 2015, a Department investigator interviewed Respondent. During the recorded interview, Respondent acknowledged having sex with complainant and also with another female client. He also admitted that his license was lapsed at the time he massaged and had sex with his clients.

6. 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(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described above, Respondent has violated Wis. Admin. Code § MTBT 5.02(15) by engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with a client.

3. By the conduct described above, Respondent has violated Wis. Stat. § 460.02 by engaging in the unlicensed practice of massage therapy.

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER by Respondent Nolan T. Lee of his license (no. 12627-146) to practice as a massage therapist or bodywork therapist in the state of Wisconsin and the right to renew that license is hereby ACCEPTED, effective the date of this Order.

3. Respondent Nolan T. Lee, will not reapply for registration to practice massage therapy or bodywork therapy in the state of Wisconsin at any time in the future and that the Department of Safety and Professional Services will not process any application for renewal of the registration of Nolan T. Lee, from the date of this Order. If Respondent seeks any other

license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$700.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

by: *Darlene M. Camp*
A Member of the Board

11/17/15
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NOLAN T. LEE,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004380

Division of Legal Services and Compliance Case No. 15 MAB 010

Respondent Nolan T. Lee 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.

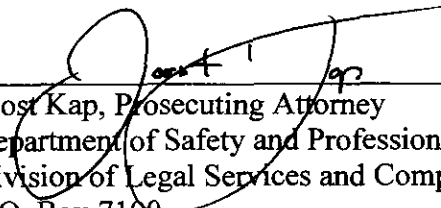
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Nolan T. Lee, Respondent
4722 N. 29th Street
Milwaukee, WI 53209
License no. 12627-146

Sept. 15, 2015
Date



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

9/21/15
Date