

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

CANARY D. DEXTER,
RESPONDENT.

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FINAL DECISION AND ORDER

0004814

Division of Legal Services and Compliance Case No. 16 MAB 003

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

Canary D. Dexter
1680 Western Avenue, Apt. 20
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 Canary D. Dexter (DOB May 18, 1978), is licensed in the state of Wisconsin as a massage therapist and bodywork therapist, having license number 11230-146, first issued on October 5, 2011, and expired on February 28, 2015. But Respondent retains the appertunant right to renew his license. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 500 Main Avenue, Apt. #303, De Pere, Wisconsin 54115. However, Respondent reports his current mailing address as 1680 Western Avenue, Apt. #20, Green Bay, Wisconsin 54303.

2. While practicing as a massage therapist, Respondent sold a gift card valid for seven massage sessions to Client A for \$600.

3. Client A received the first massage from Respondent on February 7, 2015. Client A received the second massage on March 21, 2015, even though Respondent's license to practice massage therapy and bodywork therapy had expired on February 28, 2015.

4. Client A subsequently attempted to schedule a third massage with Respondent and found that Respondent's business had closed. Client A was unable to reach Respondent via telephone or Facebook.

5. Client A had no prior notice that Respondent intended to close his business, and did not learn Respondent's license had expired until she consulted the Department's website.

6. The Department twice requested a response from Respondent via letters dated January 29 and February 12, 2016, mailed to Respondent's address of record and an address located by a Department investigator. Respondent failed to respond to either Department letter. Respondent was subsequently reached by telephone and at that time reported his new address.

7. Respondent has the right to automatically renew his Wisconsin license to practice massage therapy and bodywork therapy, but does not intend to do so, and thus, consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code MTBT § 5.02(19)¹ by failing to cooperate in a timely manner with the board's investigation of a complaint filed against him.

3. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code MTBT § 5.01(22) by engaging in conduct likely to deceive, defraud, or harm an individual in the course of the practice of massage therapy.

4. By the conduct described above, Respondent violated Wis. Stat. § 460.02 by providing massage therapy without a valid license to do so.

ORDER

1. The attached Stipulation is accepted.

¹ All references to the Wisconsin Administrative Code are to the applicable Code provisions in effect at the time of the alleged conduct.

2. The Board accepts the permanent VOLUNTARY SURRENDER of Canary D. Dexter's Wisconsin license to practice massage therapy and bodywork therapy (license no. 11230-146) and any appurtenant right to renew that license, effective the date of this Order.

3. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$330.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

4. If applicable, 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

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

July 19, 2016
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CANARY D. DEXTER,
RESPONDENT.

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STIPULATION

0004814

Division of Legal Services and Compliance Case No. 16 MAB 003

Respondent Canary D. Dexter 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.

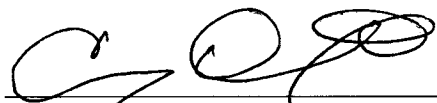
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board (Board). The
parties to the Stipulation consent to the entry of the attached Final Decision and Order without
further notice, pleading, appearance 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.

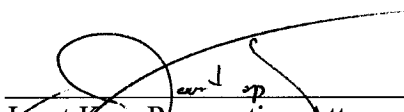
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Canary D. Dexter, Respondent
1680 Western Avenue, Apt. 20
Green Bay, WI 54303
License No. 11230-146

5-5-16

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

5/9/16

Date