

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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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 :  
 : FINAL DECISION AND ORDER  
TIMOTHY M. HARDY, :  
RESPONDENT. :

**0005156**

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Division of Legal Services and Compliance Case No. 16 MAB 018

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

Timothy M. Hardy  
P.O. Box 72  
Kewaskum, WI 53040

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 Timothy M. Hardy (DOB January 25, 1961) is licensed in the state of Wisconsin to practice massage therapy or bodywork therapy, having license number 4935-146, first issued on November 15, 2010, and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 72, Kewaskum, Wisconsin 53040.

2. On December 9, 2016, Respondent was charged with felony Third Degree Sexual Assault in Washington County Circuit Court Case Number 2016CF000439 following a report by

a client that Respondent engaged in inappropriate sexual conduct with her during a massage therapy session. The criminal action is currently pending.

3. The Department opened case number 16 MAB 018 to investigate the matter.
4. Respondent neither admits nor denies engaging in unprofessional conduct, however, he elects to resolve case number 16 MAB 018 by voluntarily surrendering his license to practice massage therapy and bodywork therapy (license no. 4935-146) and consents to the entry of the following Conclusions of Law and Order.

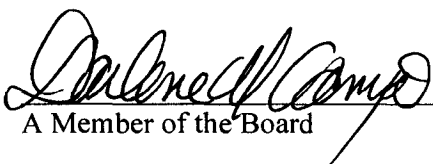
#### CONCLUSIONS OF LAW

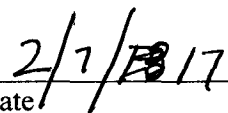
The Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.02, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.
2. The Board accepts the VOLUNTARY SURRENDER of Timothy M. Hardy's Wisconsin license to practice massage therapy and bodywork therapy (license no. 4935-146) effective the date of this Order.
3. This surrender constitutes Respondent's permanent relinquishment of his license to practice massage therapy and bodywork therapy in the state of Wisconsin. The Board will not at any time in the future process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice massage therapy and bodywork therapy in the state of Wisconsin.
4. 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 \$470.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.
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

  
Date

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TIMOTHY M. HARDY,  
RESPONDENT.

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:  
:  
:  
:

STIPULATION

**0005156**

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Division of Legal Services and Compliance Case No. 16 MAB 018

Respondent Timothy M. Hardy 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. Respondent is represented by Attorney Ryan Hetzel.

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 attached.

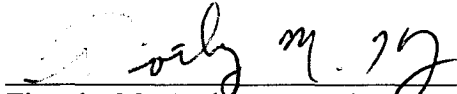
Stipulation  
In the matter of disciplinary proceedings against  
Timothy M. Hardy, Case No. 16 MAB 018

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.

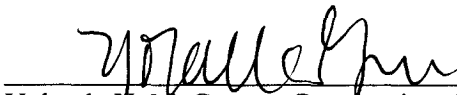
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Timothy M. Hardy, Respondent  
P.O. Box 72  
Kewaskum, WI 53040  
License No. 4935-146

1-18-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Ryan Hetzel, Attorney for Respondent  
Hetzel Law Office, LLC  
411 N. River Road  
West Bend, WI 53090-2600

1-24-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Yolanda Y. McGowan, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

1-30-17  
\_\_\_\_\_  
Date