

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

DANYELLE M. DALBEC, L.M.T.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007893

Division of Legal Services and Compliance Case No. 21 MAB 008

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

Danyelle M. Dalbec, L.M.T.
Madison, WI 53714

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. Danyelle M. Dalbec, L.M.T. (Respondent), (Year of Birth 1971) is licensed in the state of Wisconsin as a massage or bodywork therapist, having license number 1118-146, first issued on October 26, 2011. This license expired on February 28, 2021 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to apply for renewal upon payment

of a fee until February 27, 2026.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53714.

2. On December 8, 2020, Respondent underwent an AODA assessment and was diagnosed with Alcohol Use Disorder.

3. On October 15, 2021, in Jefferson County Circuit Court Case No. 2021CF000019, Respondent was convicted of OWI (5th or 6th), a felony, in violation of Wis. Stat. § 346.63(1)(a).

4. On December 7, 2021, in Dane County Circuit Court Case No. 2020CF001751, Respondent was convicted of OWI (6th), a felony, in violation of Wis. Stat. § 346.63(1)(a).

5. Respondent is incarcerated as a result of the convictions in paragraphs 4 and 5.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 committed unprofessional conduct by practice or conduct that falls below the standard of minimal competence within the profession that results in unacceptable risk of harm to the client, regardless of whether injury results within the meaning of Wis. Admin. Code § MTBT 5.02(10).

3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by being convicted of any federal or state law or rule, including criminal law, which is substantially related to the practice of massage therapy or bodywork therapy within the meaning of Wis. Admin. Code § MTBT 5.02(26).

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14.

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice as a massage or bodywork therapist in the state of Wisconsin (license no. 1118-146), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice massage or bodywork therapy in the state of Wisconsin or applies for another credential

¹ Respondent is also licensed in the state of Wisconsin as a real estate salesperson, having license number 89139-94, first issued on July 12, 2019, and current through December 14, 2022. Division of Legal Services and Compliance Case No. 21 REB 046 has been opened regarding the same or similar circumstances involved in the case at hand.

in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$906.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a massage or bodywork therapist, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

By:  _____ Date 3/15/2022
A Member of the Board

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANYELLE M. DALBEC, L.M.T.,
RESPONDENT.

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STIPULATION

ORDER 0007893

Division of Legal Services and Compliance Case No. 21 MAB 008

Danyelle M. Dalbec, L.M.T., (Respondent) 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.

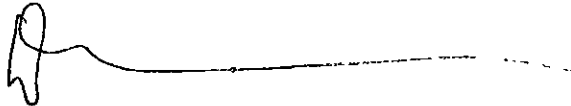
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance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



Danyelle M. Dalbec, L.M.T., Respondent
Madison, WI 53714
License No. 1118-146

Date

02/28/22



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

February 28, 2022

Date