

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**Before the  
State Of Wisconsin  
Massage Therapy and Bodywork Therapy Affiliated Credentialing Board**

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In the Matter of the Disciplinary Proceedings  
Against Maurice L. Williams, L.M.T., Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0008573**

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**Division of Legal Services and Compliance Case No. 19 MAB 003**

The State of Wisconsin, Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 30 day of May, 2023.



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Member  
Massage Therapy and Bodywork Therapy  
Affiliated Credentialing Board



Before The  
**State of Wisconsin**  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of Disciplinary Proceedings Against  
Maurice L. Williams, L.M.T., Respondent

DHA Case No. SPS-23-0002  
DLSC Case No. 19 MAB 003

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Maurice L. Williams, L.M.T.  
3724A N. 22nd, Apt. 302  
Milwaukee, WI 53206

Maurice L. Williams, L.M.T.  
2123 W. Wells St., # 5  
Milwaukee, Wisconsin 53233

Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board  
P.O. Box 8366  
Madison, WI 53708-8366

Department of Safety and Professional Services,  
Division of Legal Services and Compliance, by:

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

**PROCEDURAL HISTORY**

On December 7, 2022, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), served the Respondent with a Notice of Hearing and Complaint alleging that Respondent Maurice L. Williams, L.M.T., engaged in unprofessional conduct by being convicted of an offense under Wis. Stat. § 940.225, in violation of Wis. Admin. Code § MTBT 5.02(2). The Notice and Complaint were served on the Respondent at his last known address on file with the Department, along with an alternative address obtained from court records, via certified and regular first-class mail, pursuant to Wis. Admin. Code § SPS 2.08. The Division also emailed a copy of the Notice of Hearing and Complaint to Respondent's last known email address on file with the Department. Administrative Law Judge Kristin P. Fredrick (ALJ) was assigned to the matter.

On December 19, 2022, the Notice of Hearing and Complaint sent to Respondent at his alternative address listed in court records via certified mail were returned to the Division by the U.S. Postal Service marked "Return to Sender on Attempted Not Known. Unable to Forward." on Attempted Not Known. Unable to Forward." Similarly, January 18, 2023, the Notice of Hearing and Complaint sent to Respondent at his address on file with the Department via certified mail were returned to the Division by the U.S. Postal Service marked "Return to Sender. Unclaimed. Unable to Forward." The Notice of Hearing and Complaint sent via regular first-class mail to Respondent at his address on file with the Division and to the alternative address listed in court records were not returned to the Division.

Respondent was required to file an Answer within twenty (20) days from the date of service, pursuant to Wis. Admin. Code § SPS 2.09(4); however, no Answer was filed. After the expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for February 7, 2023. The ALJ sent notice of the conference to Respondent by U.S. mail. The notice ordered Respondent to contact the ALJ no later than February 6, 2023, to provide his current telephone number. The notice also stated that if Respondent failed to appear at the scheduled conference, default judgment may be entered against him.

Respondent failed to contact the ALJ by February 6, 2023, with his current telephone number, and failed to appear at the prehearing conference on February 7, 2023. The Division provided the ALJ with Respondent's telephone number on file with the Department. The ALJ called Respondent at that number but was unable to reach the Respondent. The ALJ followed up the telephone call with an email to Respondent advising that his failure to respond would lead to the granting of a default judgment. However, as of February 7, 2023, Respondent has not contacted the ALJ.

On February 7, 2023, the Division moved for default judgment against Respondent for failing to file an Answer, failing to appear at the prehearing conference, and failing to contact the ALJ pursuant to Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3)(c). On February 7, 2023, the ALJ issued a Notice of Default against Respondent and ordered that the Division file a recommended proposed decision and order by March 7, 2023. The Division timely filed its Proposed Decision and Order.

### FINDINGS OF FACT

#### Facts Related to the Alleged Violations

1. Respondent Maurice L. Williams, L.M.T., is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 12229-146, first issued on February 6, 2013, and currently expired as of February 28, 2021, with appurtenant right to apply to renew the license until February 28, 2026. (Complaint ¶ 1).

2. At all times relevant to this proceeding, Respondent was employed as a massage therapist at the Hand and Stone Massage Spa in Menomonee Falls, Wisconsin (Facility). (Complaint ¶ 3).

3. On February 18, 2019, Respondent provided massage therapy to a female client. The client reported that during the massage the Respondent touched the client's groin numerous times, including her vagina. The client further reported that the Respondent pressed up against her arm with his erect penis. (Complaint, ¶ 5)

4. On April 16, 2019, Respondent was charged with one count of Fourth Degree Sexual Assault, a Class A misdemeanor in violation of Wis. Stat. § 940.225(3m), in Waukesha County Circuit Court Case Number 2019CM000781. (Complaint ¶ 4).

5. On January 9, 2020, Respondent entered a guilty plea and was convicted of one count of Fourth Degree Sexual Assault, a Class A misdemeanor in violation of Wis. Stat. § 940.225(3m), in Waukesha County Circuit Court Case Number 2019CM000781. (Complaint ¶ 6).

6. Respondent was sentenced to nine months in jail, placed on probation for one year, and ordered to pay the client restitution. On December 23, 2020, Respondent's probation was extended to January 9, 2022. (Complaint ¶ 7).

#### Facts Related to Default

7. On December 7, 2022, the Notice of Hearing and Complaint were served on Respondent at his last known address on file with the Department by both certified and regular first-class mail, pursuant to Wis. Admin. Code § SPS 2.08. (Affidavit of Service ¶¶ 3-4).

8. On December 7, 2022, the Notice of Hearing and Complaint were also served on Respondent at his address listed on Wisconsin Circuit Court Access (CCAP) in Waukesha County Circuit Court Case Number 2019CM000781 as of December 21, 2020, by both certified and regular first-class mail. (Affidavit of Service ¶¶ 5-6).

9. On December 7, 2022, the Notice of Hearing and Complaint were also emailed to Respondent at his email address on file with the Department as of that date. (Affidavit of Service ¶ 7).

10. On December 19, 2022, the Notice of Hearing and Complaint sent to Respondent at his alternative address listed in court records via certified mail were returned to the Division by the U.S. Postal Service marked "Return to Sender. Attempted Not Known. Unable to Forward." (Affidavit of Service ¶ 8; Ex. 1).

11. The Notice of Hearing and Complaint sent to Respondent at his alternative address listed in court records via regular first-class mail were not returned to the Division. (Affidavit of Service ¶ 10).

12. On January 18, 2023, the Notice of Hearing and Complaint sent to Respondent at his address on file with the Department via certified mail were returned to the Division by the U.S. Postal Service marked "Return to Sender. Unclaimed. Unable to Forward." (Affidavit of Service ¶ 9; Ex. 2).

13. The Notice of Hearing and Complaint sent to Respondent at his address on file with the Department via regular first-class mail were not returned to the Division. (Affidavit of Service ¶ 11).

14. Respondent failed to file an Answer to the Complaint.

15. After the expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for February 7, 2023. The ALJ sent notice of the conference by U.S. mail to Respondent. The notice required Respondent to contact the ALJ no later than February 6, 2023, to provide his current telephone number. The notice also stated that if Respondent failed to appear at the scheduled conference, default judgment may be entered against him.

16. Respondent failed to contact the ALJ by February 6, 2023, with his current telephone number.

17. Respondent failed to appear at the prehearing conference on February 7, 2023. The Division provided the ALJ with Respondent's telephone number on file with the Department. The ALJ called Respondent at that number but was unable to reach the Respondent. The ALJ followed up the telephone call with an email to Respondent advising that his failure to respond would lead to the granting of a default judgment. However, as of February 7, 2023, Respondent has not contacted the ALJ.

18. On February 7, 2023, the Division moved for default judgment, pursuant to Wis. Admin. Code §§ SPS 2.14 and HA 1.07(3)(c).

19. On February 7, 2023, the ALJ issued a Notice of Default and ordered that the Division file and serve a recommended proposed decision and order by March 7, 2023. According to the Notice, "[i]n light of Respondent's failure to file an Answer to the Complaint and failure to appear for the prehearing conference, the ALJ finds Respondent to be in default."

20. The Division timely filed its Proposed Decision and Order.

## DISCUSSION

### Jurisdictional Authority

The Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 460.14. Currently, Respondent's license and registration are not active, but the Board retains authority in this matter because Respondent has a right to renew his license within five years of expiration, or until February 28, 2026. Wis. Stat. § 440.08(3).

The Department "may promulgate rules defining uniform procedures to be used by the department . . . and all examining boards and affiliated credentialing boards attached to the

department or an examining board, for . . . conducting [disciplinary] hearings.” Wis. Stat. § 440.03(1). These rules are codified in Wis. Admin. Code ch. SPS 2.

Pursuant to Wis. Admin. Code § SPS 2.10(2), the undersigned ALJ has authority to preside over this disciplinary proceeding in accordance with Wis. Stat. § 227.46(1).

### Default

The Division properly served the Notice of Hearing and Complaint upon Respondent by mailing copies to him at his last known address on file with the Department, and to an alternative address listed on CCAP. (Affidavit of Service ¶¶ 3-6) Service by mail is complete upon mailing. Wis. Admin. Code § SPS 2.08(1). Respondent failed to file an Answer to the Complaint within 20 days from the date of service, in violation of Wis. Admin. Code § SPS 2.09(4).

Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for Tuesday, February 7, 2023 at 10:00 am. Notice of this prehearing conference was sent to both parties, with instructions that Respondent provide to the ALJ a telephone number at which Respondent could be reached for the conference no later than February 6, 2023. Respondent failed to provide a telephone number and failed to appear for the prehearing conference. Under Wis. Admin. Code § SPS 2.14, if a Respondent “fails to answer as required by s. SPS 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence.” *See also* Wis. Admin. Code § HA 1.07(3)(c).

Because the Respondent failed to file an answer to the Complaint as required under Wis. Admin. Code § SPS 2.09 and failed to appear at the prehearing, he is in default under Wis. Admin. Code § SPS 2.14. Therefore, findings and an order may be entered based on the Complaint.

### Violations and Discipline

The Board has the authority to impose discipline against the Respondent pursuant to Wis. Stat. § 460.14. Under Wis. Stat. § 460.14(2m)(a), and subject to the rules promulgated under Wis. Stat. § 440.03(1), the Board shall revoke a massage therapy and bodywork therapy license if the license holder is convicted of an offense under Wis. Stat. § 940.225.

The Board promulgated regulations governing conduct, including Wisconsin Administrative Code § MTBT 5.02 **Unprofessional Conduct**. During the relevant time period at issue in this matter, “unprofessional conduct” was defined under Wis. Admin. Code § MTBT 5.02 to include the following conduct, or aiding, abetting, or conspiring to commit the same:<sup>1</sup>

- (2) Being convicted of ...s. 944.225...

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<sup>1</sup> Wis. Admin. Code § MTBT 5.02 was amended pursuant to CR 19-101, Register April 2020 No. 772, effective May 1, 2020. Because the allegations in this matter occurred prior to the effective change in the law, references to the applicable Code sections in this decision are based upon the version of the Code in effect prior to May 1, 2020.

...

(15) Engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a client...

...

(26) Conviction of any federal or state law or rule, including criminal law, which is substantially related to the practice of massage therapy or bodywork therapy...

Respondent was employed as a massage therapist at the Hand and Stone Massage Spa in Menomonee Falls, Wisconsin. A massage client of the Respondent reported that in February 2019 the Respondent touched the client's groin numerous times during a massage, including her vagina. The client further reported that the Respondent pressed up against her arm with his erect penis. (Complaint, ¶ 5) On April 16, 2019, after an investigation by the Menominee Falls Police Department, Respondent was charged with one count of Fourth Degree Sexual Assault in Waukesha County Circuit Court Case Number 2019CM000781. On January 9, 2020, Respondent entered a guilty plea and was convicted of one count of Fourth Degree Sexual Assault, a Class A misdemeanor, in violation of Wis. Stat. § 940.225(3m). (Complaint, ¶ 6) Respondent committed sexual assault while he was providing a massage to a client. The crime was carried out using the veneer of legitimacy offered by Respondent's Board-issued license to practice massage therapy.

Based upon the uncontroverted facts in the Complaint, the Respondent was convicted of a sexual assault of his massage client contrary to Wis. Stat. § 944.225 and thus, demonstrated unprofessional conduct pursuant to Wis. Admin. Code § MTBT 5.02(2). The Division also asserts that the Respondent's conduct was unprofessional under Wis. Admin. Code § MTBT 5.02(26); however, the Division did not include that allegation in the Complaint. Similarly, the Division did not allege unprofessional conduct pursuant to Wis. Admin. Code § MTBT 5.02(15), which also could be applicable. Regardless, the Division has alleged and demonstrated that the Respondent's conduct is unprofessional under Wis. Admin. Code § MTBT 5.02(2) based upon the Respondent's criminal conviction. The conviction and the Respondent's unprofessional conduct are substantially related to the practice of massage therapy. Therefore, the Board is not only authorized to impose discipline against the Respondent, but it is required to revoke the Respondent's massage therapy and bodywork therapy license pursuant to Wis. Stat. § 460.14(2m)(a).

#### Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. *See* Wis. Stat. § 440.22(2). In exercising such discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, Boards have considered the following factors when determining if all or part of the costs should be assessed against the Respondent: (1) the number of counts charged, contested



and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the Respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a program revenue agency, funded by other licensees; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz*, LS0802183CHI (Aug. 14, 2008). It is within the Board's discretion as to which of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

Considering the above factors, it is appropriate for Respondent to pay the full costs of the investigation and of these proceedings. Respondent failed to file an answer to the Complaint and was found in default. Thus, the factual allegations identified in the Division's Complaint were deemed admitted. Respondent failed to provide current contact information to the ALJ, failed to appear at the prehearing conference, and failed to file an Answer to the Complaint or otherwise participate in these proceedings. Most significant, the nature and seriousness of the Respondent's misconduct requires the most severe discipline – license revocation.

Finally, the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. It would be unfair to impose the costs of pursuing discipline in this matter on those licensees who have not engaged in misconduct. Therefore, it is appropriate for Respondent to pay the full costs of the investigation and this proceeding, as determined pursuant to Wis. Admin. Code § SPS 2.18.

### 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. § 460.02.
2. The Respondent engaged in unprofessional conduct by being convicted of an offense under Wis. Stat. § 940.225, pursuant to Wis. Admin. Code § MTBT 5.02(2).
3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14(2) and Wis. Stat. § 460.14(2m). Pursuant to Wis. Stat. § 460.14(2m), the Board shall revoke a license if the license holder is convicted of an offense under Wis. Stat. § 940.225.
4. Revocation of the Respondent's license to practice massage therapy or bodywork therapy in the state of Wisconsin is reasonable and appropriate, and consistent with Board precedent.
5. It is appropriate for the Respondent to pay the full costs of the investigation and prosecution in this matter pursuant to Wis. Admin. Code § SPS 2.18.
6. The Division of Hearings and Appeals has authority to issue this proposed decision pursuant to Wis. Stat. § 227.46 and Wis. Admin. Code § SPS 2.10.

ORDER

1. For the reasons set forth above, IT IS ORDERED that the license of Respondent Maurice L. Williams, L.M.T., to practice massage therapy or bodywork therapy in the state of Wisconsin (license number 12229-146), and the right to renew said license, is REVOKED.

2. IT IS FURTHER ORDERED that Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

3. IT IS FURTHER ORDERED that the terms of this Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin, on March 28, 2023.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
4822 Madison Yards Way, 5th Floor North  
Madison, Wisconsin 53705-5400  
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By: 

Kristin P. Fredrick  
Administrative Law Judge