

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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

DANNY DIAZ DE JESUS, L.M.T.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER0008735**

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Division of Legal Services and Compliance Case No. 22 MAB 012

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

Danny Diaz de Jesus, L.M.T.  
Cudahy, WI 53110

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 Danny Diaz de Jesus, L.M.T., (Year of Birth 1987) is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 15205-146, first issued on February 7, 2020, and expired as of February 28, 2023. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to apply to renew his license until February 28, 2028.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Cudahy, Wisconsin 53110.

3. At all times relevant to this proceeding, Respondent was employed as a massage therapist at a massage facility in Mequon, Wisconsin (Facility).

4. On July 13, 2022, Client A booked a massage with Respondent. During the massage, Respondent did not properly drape Client A, exposing her pubic area and buttocks.

5. While Client A was lying on her stomach, Respondent massaged her bare buttocks in a circular motion, causing her buttocks cheeks to spread apart several times.

6. Client A did not consent to Respondent massaging her bare buttocks.

7. On July 13, 2022, Client B booked a massage with Respondent. During the massage, Respondent moved Client B's underwear below her buttocks and massaged her bare buttocks in a circular motion, causing her buttocks cheeks to spread apart several times.

8. Client B did not consent to Respondent moving her underwear down and massaging her bare buttocks.

9. Respondent denies engaging in unprofessional conduct, but 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by performing any act constituting the practice of massage therapy or bodywork therapy on any client without the client's informed consent or after the client has withdrawn informed consent, whether verbally or in writing, pursuant to Wis. Admin. Code § MTBT 5.02(9).

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a client, pursuant to Wis. Admin. Code § MTBT 5.02(15). The sexual nature of contact shall be determined from the totality of circumstances and is presumed when the massage therapist or bodywork therapist has contact with a client's intimate parts without legitimate professional justification for doing so. Wis. Admin. Code § MTBT 5.02(15)(a).

4. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by failing to provide draping and treatment that ensures the safety and privacy of a client, pursuant to Wis. Admin. Code § MTBT 5.02(21).

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g), (h), and (j), and Wis. Admin. Code § MTBT 5.02.

#### ORDER

1. The attached Stipulation is accepted.



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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DANNY DIAZ DE JESUS, L.M.T.,  
RESPONDENT.

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STIPULATION

**ORDER 0008735**

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Division of Legal Services and Compliance Case No. 22 MAB 012

Respondent Danny Diaz de Jesus, L.M.T., 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.

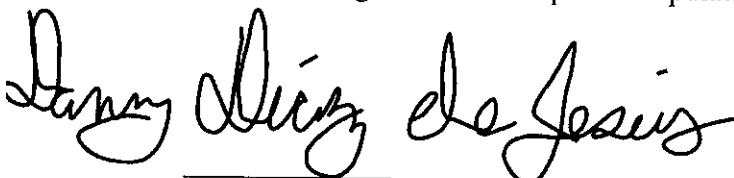
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

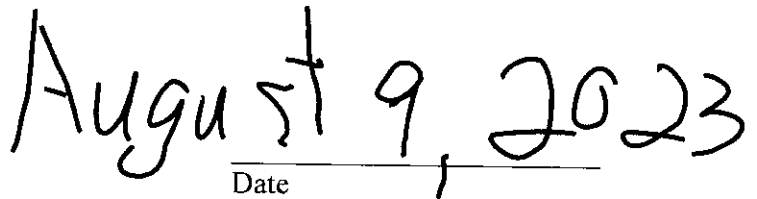
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

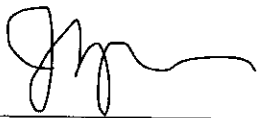
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Danny Diaz de Jesus, L.M.T., Respondent  
Cudahy, WI 53110  
License No. 15205-146



Date



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

8/16/2023

Date