

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING	:	
	:	INJUNCTION
MICHELLE M. KONOPKA (NOW JACOBS),	:	
RESPONDENT.	:	ORDER 0000577

FINAL DECISION AND SPECIAL ORDER OF INJUNCTION
[WIS. STAT. § SEC. 440.21(2)]

[Division of Enforcement Case No. 07 UNL 110]

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

Michelle M. Konopka (now Jacobs)
2455 San Lorenz Drive
Green Bay, WI 54304

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Petition for Administrative Injunction with the administrative law judge on November 2, 2010. Prior to the hearing on the Petition, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Secretary. The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Between August 5, 2008 and February 28, 2009, Michelle M. Konopka (now Jacobs), Respondent, date of birth August 25, 1983, was credentialed as a massage therapist by the Wisconsin Department of Regulation and Licensing, pursuant to credential number 4414-46. That credential expired on February 28, 2009, and is currently expired.

2. Respondent's last address of record with the Department of Regulation and Licensing was 2455 San Lorenz Drive, Green Bay, WI 54304. The Respondent reported to the Division of Enforcement that she currently resides at N15059 Northwoods Ln., Amberg, WI 54102.

3. Wis. Stat. § 460.02 provides that an individual must be credentialed by the Wisconsin Department of Regulation and Licensing to designate oneself as a massage therapist, to use or assume the title, "massage therapist", and to use the letters "C.M.T." to represent certification as a massage therapist.

4. From February 28, 2006 to August 5, 2008, Respondent was employed as a massage therapist by Dr. Ronald Fischer, DC, at NewCare Integrated Health Services, S.C., (NewCare) in Menasha, Wisconsin without the credential specified in Wis. Stat. § 460.02. Although not credentialed by the Department, Respondent represented herself to the public as a certified massage therapist. As of May 21, 2008, Respondent's business card at NewCare read:

Michelle Konopka, CMT
Certified Massage Therapist

5. On November 20, 2007, a DRL investigator visited a Web site for NewCare and observed that Respondent was identified as a massage therapist. The DRL investigator attempted to verify Respondent's certification with the Department and found that Respondent was not certified.

6. On November 20, 2007, a DRL investigator called NewCare and spoke with Respondent. The investigator told Respondent that she was new in the area and was interested in a massage. During the conversation, Respondent informed the investigator that she graduated from massage school two years prior and had been working as a massage therapist since then.

7. On May 21, 2008, the investigator made an unannounced visit to NewCare. After reviewing Respondent's personnel file, the investigator asked Respondent why she was not certified by the State, to which Respondent replied "I received the paperwork, but it was a lot of paper to complete so I didn't do it."

8. On August 5, 2008, Respondent obtained the credential required to represent one as a "massage therapist", however that credential expired on February 28, 2009.

9. On October 31, 2010, the Web site for NewCare, under the direction of Ronald Fischer, DC, represented Michelle Konopka, as a staff member and "Massage Therapist".

10. Wis. Stat. § 460.02 provides that no person may designate oneself as a massage therapist or bodyworker, or use or assume the title "massage therapist and bodyworker" or "massage therapist" or "bodyworker" or any title that includes "massage therapist" or "bodyworker," or append to the person's name the letters "M.T.," "C.M.T.," "B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that he or she is certified under this chapter, unless the person is certified under this chapter.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 440.21(1) and (2) and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

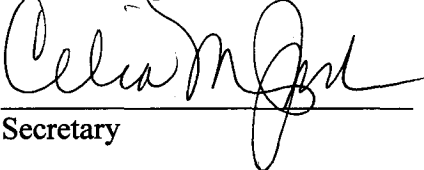
2. Respondent, Michelle M. Konopka (now Jacobs), has inaccurately represented herself to the public as a massage therapist in Wisconsin, in violation of Wis. Stat. § 460.02.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Michelle M. Konopka (now Jacobs), is prohibited from representing herself as a massage therapist or bodyworker, or using or assuming the title “massage therapist and bodyworker” or “massage therapist” or “bodyworker” or any title that includes “massage therapist” or “bodyworker,” or appending to her name the letters “M.T.,” “C.M.T.,” “B.W.,” or “C.B.W.,” or using any other title or designation that represents or may tend to represent that she is certified under this chapter, except when Respondent is certified under Wis. Stat. Ch. 460, or successor statute.

IT IS FURTHER ORDERED that Respondent, Michelle M. Konopka (now Jacobs), be, and hereby is, notified that any person who violates a special order such as this, issued under Wis. Stat. § 440.21 may be required to forfeit not more than \$10,000.00 for each offense and that each day of continued violation constitutes a separate offense.

Department of Regulation and Licensing

By: 
Secretary

12/2/16
Date