

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF	:	
	:	ADMINISTRATIVE INJUNCTION
JUDITH ANN ELMAN,	:	
RESPONDENT.	:	ORDER 0002114

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Division of Legal Services and Compliance<sup>1</sup> Case No. 11 MTB 016

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

Judith Ann Elman  
E3110 Aastrud Road  
Iola, WI 54945

Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

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 Secretary of the Wisconsin Department of Safety and Professional Services or his designee (Designee). The Designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Judith A. Elman was credentialed in the State of Wisconsin as a massage therapist, license number 46-1550. This credential was first granted to Respondent on February 26, 2000 and expired on February 28, 2009.

2. Requirements for licensure as a massage therapist and body work therapist have changed since Respondent's credential was last current. The credential she held no longer exists. Therefore, she does not retain any right to renew her previously held credential.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is E3110 Aastrud Road, Iola, Wisconsin 54945.

4. On August 20, 2011, Respondent provided massages to clients for financial compensation.

5. On January 3, 2012 the website for Spa in the Woods, which is owned and operated by Respondent, advertised that Respondent was a "State Licensed Massage Therapist" with 15 years of experience.

6. On February 29, 2012, the website for Spa in the Woods removed the statement referencing a "State Licensed Massage Therapist", however, still advertised massage therapy services and packages, which Respondent is not licensed to do.

7. Respondent has engaged in the practice of massage therapy without a credential and with misrepresentation of her credentials is in violation of Wis. Stat. § SPS 94.01(10)(12)(17) and SPS 93.03.

8. Respondent has voluntarily entered this agreement without acknowledgment of wrong-doing because she has retired and does not intend to provide massage therapy or body work therapy unless and until she obtains the required credential.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes the unlicensed practice of massage therapy, contrary to Wis. Stat. § 440.21.

#### ORDER

1. The attached stipulation is accepted.

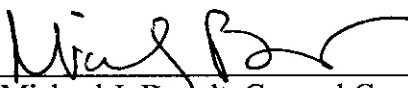
2. Unless and until Respondent is properly licensed as a massage therapist or a body work therapist by the Massage Therapy Examining Board, Respondent is enjoined and prohibited from the practice of massage therapy or body work therapy in the State of Wisconsin, and from holding herself out as one credentialed to do so. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

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WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 8th day of November, 2012.

By:   
Michael J. Berndt, General Counsel  
On behalf of the Secretary of the Department of Safety and Professional Services