

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
: ADMINISTRATIVE INJUNCTION
CHARLENE TORCHIA, :
RESPONDENT. : **0002503**

Division of Legal Services and Compliance¹ Case No. 12 UNL 169 (MTB)

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

Charlene Torchia
Journey Inn AKA Earthsky Bodymind
W3671 200th Ave.
Maiden Rock, WI 54750

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 Wisconsin Department of Safety and Professional Services (Department). The Department 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. Upon information and belief, Respondent Charlene Torchia's place of business and address for purposes of service is Journey Inn AKA Earthsky Bodymind, W3671 200th Avenue, Maiden Rock, Wisconsin 54750.

2. Respondent Charlene Torchia is not and has never been licensed as a massage therapist or bodywork therapist in the State of Wisconsin

3. In the State of Wisconsin, pursuant to Wis. Stat. § 460.02, a license is required to practice massage therapy or bodywork therapy.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

4. A credential issued by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board is not required to practice energy therapy.

5. Respondent is the owner and operator of the Journey Inn AKA Earthsky Bodymind (Journey Inn). From 2006 – 2013 Respondent and her employees provided massage therapy or bodywork therapy to clients for financial compensation. According to Respondent, the Journey Inn has provided massage therapy or bodywork therapy to approximately five clients every month for a total of approximately four hundred and twenty clients over the seven years that the Journey Inn has been operating in the State of Wisconsin. Therefore, Respondent has engaged in the practice of massage therapy or bodywork therapy without a credential in violation of Wis. Stat. § 460.02.

6. Respondent agrees to resolve this matter through stipulation and agrees that these facts are sufficient to justify the proposed Administrative Injunction.

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 or bodywork therapy, contrary to Wis. Stat. § 460.02.

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a massage therapist or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, Respondent is enjoined and prohibited from the practice of massage therapy or bodywork therapy in the State of Wisconsin, and from holding herself out as someone that is 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.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 27th day of June, 2013.

By:


Michael J. Berndt, Chief Counsel
On behalf of the Department