

## 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 AN ADMINISTRATIVE :  
INJUNCTION INVOLVING ADMINISTRATIVE INJUNCTION

CHRISTINE FASCHINGBAUER, :

Respondent. :

0003178

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Division of Legal Services and Compliance Case No. 14 UNL 015

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

Christine Faschingbauer  
18526 State Highway 40  
Bloomer, WI 54724

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

Division of Legal Services and Compliance  
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed the 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 Christine Faschingbauer (dob 6/20/57) has no address on file with the Wisconsin Department of Safety and Professional Services (Department). Respondent reports her current address as 18526 State Highway 40, Bloomer, Wisconsin 54724.
2. Respondent is not and has never been licensed to practice massage therapy and bodywork therapy in the state of Wisconsin, or in any other domestic or foreign jurisdiction.

3. Respondent is employed by Shear Style, a salon located at 1027 Martin Road, Bloomer, Wisconsin 54724.

4. On her personal Facebook page, Respondent holds, or has held herself out as a “massage therapist” and/or a “massage practitioner”. A Facebook page associated with Shear Style identifies Respondent as providing massages at Shear Style since at least January 1, 2012.

5. Respondent admits that she has provided massage therapy and that she has held herself out as a massage therapist and/or a massage practitioner, without a license to do so.

6. Respondent also provides Reiki therapy.

#### 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. Pursuant to Wis. Stat. § 460.01(4): “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.

3. Pursuant to Wis. Stat. § 460.02, no person may provide massage therapy or bodywork therapy, or hold oneself out to practice massage therapy or bodywork therapy unless the person is licensed.

4. Pursuant to Wis. Stat. § 460.03(2m), Reiki therapy is exempted from the requirements of Wis. Stat. ch. 460.

5. By the conduct described in the Findings of Fact above, Respondent has performed and has held herself out as performing, acts constituting the unlicensed practice of massage therapy and bodywork therapy, contrary to Wis. Stat. § 460.02.

6. Pursuant to Wis. Stat. § 440.21, the Department is authorized to issue this special order of injunction.

#### ORDER

1. The attached Stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice massage therapy or bodywork therapy by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, Respondent is enjoined and prohibited from the practice of massage therapy and bodywork therapy in the state of Wisconsin, or as holding herself out as engaging in acts constituting the practice of massage therapy and bodywork therapy.

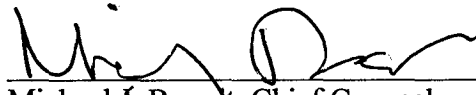
3. Respondent may continue to provide Reiki therapy.

4. 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 established in the Findings of Fact and Conclusions of Law, along with any subsequent violations, to the appropriate prosecutorial unit for possible criminal charges. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation under Wis. Stat. § 440.21(4)(a).

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 23rd day of April, 2014.

By:



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

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF AN ADMINISTRATIVE :  
INJUNCTION INVOLVING

STIPULATION

CHRISTINE FASCHINGBAUER, :

Respondent. :

0003178

---

Division of Legal Services and Compliance Case No. 14 UNL 015

Respondent Christine Faschingbauer 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.

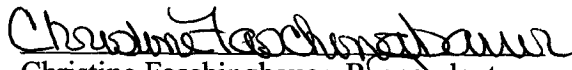
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

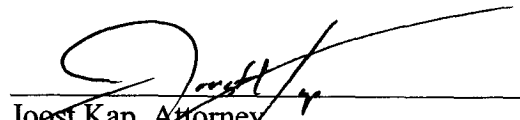
6. The parties to this Stipulation agree that the attorney for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

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

8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.

  
Christine Faschingbauer, Respondent  
18526 State Highway 40  
Bloomer, WI 54724

4-4-14  
Date

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

4/22/14  
Date