

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CHUN CHEN, :
RESPONDENT. : **ORDER 0003713**

Division of Legal Services and Compliance Case No. 14 MAB 006

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

Chun Chen
China House
1260 Milton Ave., Ste. 120
Janesville, WI 53545

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 Chun Chen, (dob October 08, 1994), is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 12939-146, first issued on May 22, 2014, with registration current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1107 Ringold Street, Janesville, Wisconsin 53545. Upon

information and belief, Respondent's current mailing address is China House, 1260 Milton Ave., Ste. 120, Janesville, Wisconsin 53545.

2. The municipality of Janesville denied Respondent's application for a municipal massage establishment license under the business name "Asian Spa Massage" (Spa).

3. On May 01, 2014, during an on-site interview, Respondent said he was the business owner and had a massage license. However, he could not produce his license, could not provide information regarding the name or address of his massage school, and he could not identify the type of massage he studied.

4. Respondent could not state the name of a female who worked for Spa. He said she did not provide massages.

5. When Respondent was interviewed alone outside the business, he said he did not do massages, the female provided massages, and his father ran the business.

6. Though Respondent initially denied that sex was being offered as part of Spa's services, he later said, "I don't know." The interviewer told Respondent there was a suspicion that sex was part of the massage, Respondent said "you are probably right about your suspicions."

7. Respondent later recanted his statement that the female in Spa provided massages and sex for compensation.

8. Respondent does not intend to practice massage therapy in the future and is currently helping to manage a Janesville restaurant.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing 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).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent Chun Chen, of his license (12939-146) to practice as a massage therapist and bodywork therapist in the State of Wisconsin and his right to renew that license is hereby ACCEPTED.

3. Respondent is on notice that he may not engage in the practice of massage therapy or bodywork therapy, nor may he hold himself out as one so authorized.

4. Respondent may not apply for reinstatement of his license to practice massage therapy and bodywork therapy for at least five years.

5. If, after five years, Respondent petitions the Board for reinstatement of his credential:

- a. Respondent shall provide proof sufficient to satisfy the Board, in its sole discretion, that he has met all requirements for licensure as set out in Wis. Stat. ch. 460 and that he is able to safely and reliably practice massage therapy or bodywork therapy.
- b. The decision of whether or not to reinstate Respondent's license is in the sole discretion of the Board.
- c. If the Board reinstates Respondent's license, the Board may, in its sole discretion, impose any limitations or restrictions necessary to satisfy the Board, in its sole discretion, that Respondent can safely and reliably practice massage therapy or bodywork therapy. As a condition for licensure, the Board may require Respondent to, without advance notice to Respondent, permit inspection of any premises where he practices massage therapy.
- d. Respondent shall, prior to petitioning for reinstatement, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of \$385.00 pursuant to Wis. Stat. § 440.22(2).
- e. The existence of these prerequisites to reinstatement of Respondent's license is not to be interpreted as assurance that the Board will reinstate Respondent's credential.

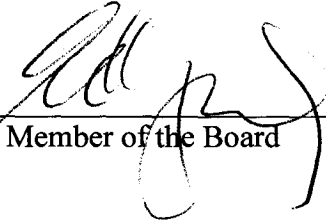
6. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. This Order is effective on the date of its signing.

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

by:



A Member of the Board

Feb 10, 2015
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHUN CHEN,
RESPONDENT.

STIPULATION

ORDER 0003713

Division of Legal Services and Compliance Case No. 14 MAB 006

Respondent Chun Chen, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

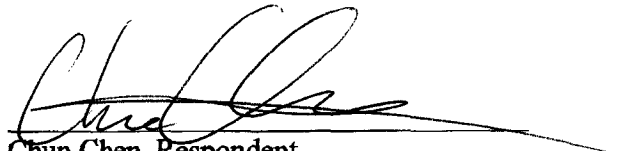
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

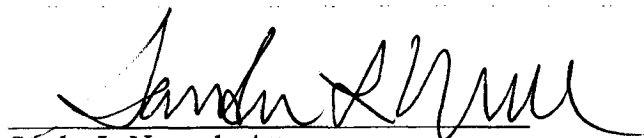
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Chun Chen, Respondent
China House
1260 Milton Ave., Ste. 120
Janesville, WI 53545
License no. 12939-146

1/23/2015
Date


Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

1/28/15
Date