

## 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  
GLEN GADWOOD, :  
RESPONDENT. :

**0004236**

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Division of Legal Services and Compliance Case No. 13 UNL 140 and 13 UNL 150 (MAB)

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

Glen Gadwood  
1255 S Monroe #102  
Green Bay, WI 54301

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 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 Glen Gadwood is not and has never been licensed to practice massage therapy or bodywork therapy in the state of Wisconsin.

2. Wis. Stat. § 460.01(4) defines that "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.

3. Wis. Stat. § 460.02 states that “no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title “massage therapist and bodywork therapist” or “massage therapist” or “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.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 licensed under this chapter, unless the person is licensed under this chapter.

4. Wis. Stat. § 460.03(2m)(b) provides an exception to the licensing requirements if that person “is recognized by or meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person demonstrates an adequate level of training and competency and adherence to ethical standards.”

5. Respondent provided the Department on November 26, 2013 with his certification from Precision Neuromuscular Therapy from April 20, 2004, which is a credentialing association as defined in the statute.

6. Chapter 460 of the Wisconsin Statutes was created in 2009, after Respondent had been practicing NMT for almost five years. Respondent asserts that at the time of the statute’s creation, his employer did not inform him of its existence, nor of a 13-month grace period during which licensure could be obtained.

7. Respondent asserts his belief that because “C.N.M.T” is not mentioned in Wis. Stat. § 460.02, it was intended to be excluded under Wis. Stat. § 460.03(2m).

8. Respondent provided neuromuscular therapy for compensation through Function Fitness Personal Training. Respondent reports withdrawing this practice and removing mention of his practicing NMT on June 30, 2015.

9. Respondent reports that he has ceased to use business cards which state that Respondent provides “personal training, corrective exercise, and neuromuscular therapy.”

10. Function Thru Fitness has a Facebook page that states the company was founded by Respondent and one other person. The advertisement previously stated they have “23 years combined experience providing personal training, corrective exercise and neuromuscular therapy...” The wording “neuromuscular therapy” has been removed.

11. Function Through Fitness has a website, [ftfpt.com](http://ftfpt.com), which previously stated, “[Respondent] is also a certified Neuromuscular therapist. Neuromuscular Therapy (NMT) is a manual tissue therapy in which the goal is to treat the cause of your pain, not just the symptoms or effects...treating trigger points which may exist within soft tissue.” This provision has been removed.

12. The business cards, the Facebook page and the Website described above constitutes evidence that Respondent had engaged in NMT, a form of massage or bodywork therapy.

13. Respondent reports being currently enrolled in a massage therapy program which he is scheduled to complete in April 2016.

14. Respondent has requested a waiver for licensure under Wis. Stat. § 460.05(2) documenting proof that he has the education, training and other experience that is equivalent to the requirements in Wis. Stat. § 460.05(1)(e).

### CONCLUSIONS OF LAW

1. The Department 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 in the Findings of Fact, above, may constitute violations of Wis. Stat. § 460.02.

### ORDER

1. The attached stipulation is accepted.

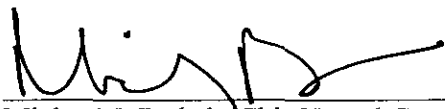
2. Respondent is enjoined and prohibited from engaging in the practice of massage therapy or bodywork therapy, which includes the practice of neuromuscular therapy in the state of Wisconsin until he is properly licensed to practice massage therapy or bodywork therapy by the Department and the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. 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 there is probable cause to believe 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 9<sup>th</sup> day of September, 2015.

By:



Michael J. Berendt, Chief Legal 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 :

GLEN GADWOOD,  
RESPONDENT.

STIPULATION

0004236

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Division of Legal Services and Compliance Case No. 13 UNL 140 and 13 UNL 150 (MAB)

Respondent Glen Gadwood 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. Respondent is represented by Attorney Thomas M. Olejniczak.

4. Respondent agrees to the adoption of the attached Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

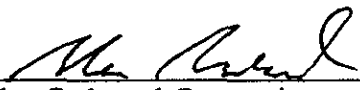
Stipulation  
In the matter of Administrative Injunction involving  
Glen Gadwood, Case Nos. 13 UNL 140 and 13 UNL 150 (MAB)

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 or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction 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 that the Department adopt this Stipulation and issue the attached Administrative Injunction.

  
Glen Gadwood, Respondent  
1255 S Monroe #102  
Green Bay, WI 54301

8-31-15  
Date

  
Thomas M. Olejniczak, Attorney for Respondent  
Law Firm of Conway, Olejniczak & Jerry, S.C.  
P.O. Box 23200  
Green Bay, WI 54305

Date 9-1-15

  
Yolanda McGowan, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/1/15  
Date