

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CYNTHIA A. MATEJA,
RESPONDENT.

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FINAL DECISION AND ORDER

0004301

Division of Legal Services and Compliance Case No. 14 MAB 005

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

Cynthia A. Mateja
6200 241st Avenue
Salem, WI 53168

Wisconsin Massage Therapy and Bodywork 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 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 Cynthia A. Mateja (dob August 9, 1976) is licensed in the state of Wisconsin as a massage therapist or bodyworker, having license number 3021-146, first issued on November 29, 2010 and current through February 28, 2017. Cynthia A. Mateja's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6200 241st Avenue, Salem, Wisconsin 53168.

2. At all times pertinent to this matter, Respondent was the owner and operator of Salon Sage Spa and Herbs (Salon Sage), a business entity located at 12027 Antioch Road, Trevor, WI.

3. In August 2014, an investigation was commenced into allegations that Respondent was engaging in the unlicensed practice of massage therapy; was aiding and abetting others in the unlicensed practice of massage therapy, and was not properly maintaining linens and equipment.

4. On September 26, 2014, Department investigators conducted an unannounced inspection of Salon Sage. During and following that inspection, the investigators made the following findings:

- a. Respondent's credential to practice massage therapy expired on March 1, 2013;
- b. Respondent performed massage therapy services after her license had expired;
- c. Respondent employed two people who engaged in the practice of massage therapy without being lawfully credentialed;
- d. Respondent did not inform customers that massage therapy would be performed by unlicensed individuals;
- e. Respondent directed staff members to delete entries from the salon's appointment calendar for appointments where she and others were scheduled to provide services for which they were not credentialed;
- f. Foot bowls used to allow massage therapy customers to soak their feet were only cleaned with a mixture of isopropyl alcohol and essential oil, and
- g. Respondent and other persons she employed engaged in the practice of aesthetics and manicuring without being lawfully credentialed.

5. Respondent reports having recently sold Salon Sage and denies any involvement with the operation and management of the business. She further reports that she is relocating to another state and does not intend to practice massage therapy in the state of Wisconsin.

6. 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 Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.02, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 460.02 and Wis. Admin. Code § MTBT 5.01(20)¹ by practicing massage therapy without the required licensure and by aiding or abetting others in the unlawful practice of massage therapy.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(1) by misrepresenting qualifications, education, credentials and professional affiliations.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(21) by practicing in any manner which substantially departs from the standard of care ordinarily exercised by a massage therapist.

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(22) by engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of massage therapy.

6. As a result of the above violations, Respondent, Cynthia A. Mateja is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.

2. The permanent SURRENDER by Respondent Cynthia A. Mateja of her license to practice as a massage therapist and bodywork therapist in the state of Wisconsin and any appurtenant right to renew that license is hereby ACCEPTED, effective the date of this Order.

3. In the event that Respondent petitions the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board for re-licensure in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. If Respondent ever seeks any credential under Wis. Stat. chs. 440-480, prior to becoming credentialed, Cynthia A. Mateja shall pay COSTS of this matter in the amount of \$1,799.81, pursuant to Wis. Stat. § 440.22(2). If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. If applicable, 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:

¹ All references to the Administrative Code are to the version in effect at the time of the alleged conduct.

Final Decision and Order
In the matter of disciplinary proceedings against
Cynthia A. Mateja, Case No. 14 MAB 005

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

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

WISCONSIN MASSAGE THERAPY AND BODYWORK
AFFILIATED CREDENTIALING BOARD

by: 
A Member of the Board

Date 11/17/15

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CYNTHIA A. MATEJA,
RESPONDENT.

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STIPULATION

0004381

Division of Legal Services and Compliance Case No. 14 MAB 005

Respondent Cynthia A. Mateja 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 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.

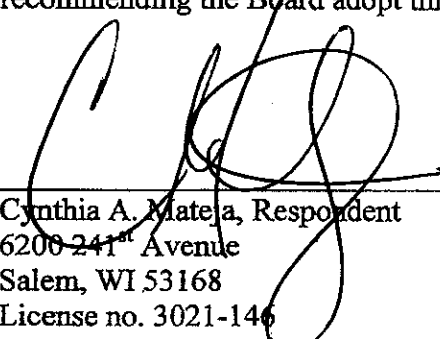
Stipulation
In the matter of disciplinary proceedings against
Cynthia A. Mateja, Case No. 14 MAB 005

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.

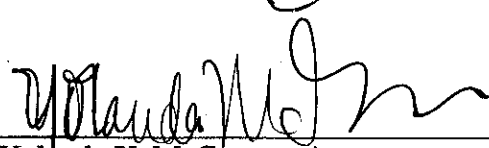
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Cynthia A. Mateja, Respondent
6200 241st Avenue
Salem, WI 53168
License no. 3021-146

Date

Nov 12, 2015



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

Date

Nov. 16, 2015