

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
DEBORAH L. ADAMS, :
RESPONDENT. : **0004478**

Division of Legal Services and Compliance Case No. 15 UNL 133

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

Deborah L. Adams
3916 Water Street
Stevens Point, WI 54481

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 Deborah L. Adams (DOB May 29, 1966) was licensed to practice massage therapy or bodywork therapy in the state of Wisconsin, having license number 1185-46, first issued on September 21, 1999 and expired February 28, 2005. Respondent's right to renew with payment of a fee expired on February 28, 2010.

2. Respondent's last address on record with the Wisconsin Department of Safety and Professional Services (Department) is 1916 Pine Street, Stevens Point, Wisconsin 54481, but

upon information and belief, Respondent's current address is 3916 Water Street, Stevens Point, Wisconsin 54481.

3. On June 17, 2014, the Department received a Request for Temporary License for Massage Therapist or Bodywork Therapist. The request was not submitted on behalf of the Respondent, but she signed it as the applicant's supervisor in the section entitled Statement of Supervising Massage Therapist or Bodywork Therapist.

4. A review of the Department's records, as reflected in paragraph 1 above, indicated that Respondent was not, in fact, a licensed massage therapist or bodywork therapist at the time she signed the request as the applicant's supervisor.

5. The Department subsequently contacted Respondent, who indicated her mistaken belief that her license—first granted on September 21, 1999—had been "grandfathered" in when the massage therapy licensing requirements were enacted. Respondent also indicated she has performed very limited massage therapy since 2008, and has instead focused on operating a wellness spa that she owns.

6. As the owner of a wellness spa, Respondent hires, trains and supervises massage therapists. A website associated with Respondent's business identifies Respondent as a licensed massage therapist when last reviewed on November 4, 2015. Also, a Stevens Point newspaper article dated August 16, 2015 profiles Respondent and her business, and states that Respondent has been a licensed massage therapist for 25 years.

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 in the Findings of Fact 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 Affiliated Credentialing Board, Respondent is enjoined and prohibited from the practice of massage therapy or bodywork therapy in the state of Wisconsin.

3. Unless and until Respondent is properly licensed as a massage therapist or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board, Respondent may not may designate herself as a massage therapist or bodyworker, or use or assume the title "massage therapist and bodyworker" or "massage therapist" or "bodyworker" or any title that includes "massage therapist" or "bodyworker," or append to her name the letters

"L.M.T.," "M.T.," "C.M.T.," "B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that she is licensed as a massage therapist or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board. This prohibition applies to any and all advertising or other informational materials referencing Respondent, in any medium, as well as any other manner in which Respondent may present herself to her employees, current or potential clients, and/or the general public.

4. Respondent may train employees of her business regarding massage techniques to be used on clients of Respondent's business.

5. Although Respondent is not qualified as, may not act as, and may not in any way represent herself as a massage therapy instructor under Wis. Stat. § 460.095, Respondent may lecture about massage therapy in seminars and lectures to corporations, professional groups, schools, and individuals.

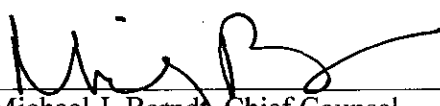
6. Respondent may use her background and experience with massage therapy to act as a consultant to businesses other than her own.

7. 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).

8. 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 injunction to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 14th day of January, 2016.

By: 

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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF AN ADMINISTRATIVE :
INJUNCTION INVOLVING :
 : STIPULATION
DEBORAH L. ADAMS, :
RESPONDENT. :
 : **0004478**

Division of Legal Services and Compliance Case No. 15 UNL 133

Respondent Deborah L. Adams, 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 Administration Injunction by the Wisconsin Department of Safety and Professional Services (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 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.

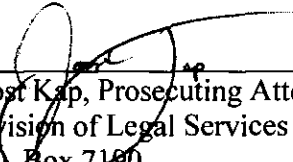
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.



Deborah L. Adams, Respondent
3916 Water Street
Stevens Point, WI 54481

01-06-16

Date



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

Date

January 11, 2016