

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 :
 :
ZHIPING CHENG, : FINAL DECISION AND ORDER
RESPONDENT. :

0004812

Division of Legal Services and Compliance Case No. 15 MAB 057

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

Zhiping Cheng
2012 S. 4th Street
Alhambra, CA 91803

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 Zhiping Cheng, (DOB January 10, 1961), is licensed in the state of Wisconsin to practice message therapy or bodywork therapy, having license number 12523-146, first issued on July 18, 2013, and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2012 S. 4th Street, 2012 S. 4th Street, Alhambra, California 91803.

2. Respondent's current address, as indicated by the U.S. Postal Service, is 501½ W. Adams Ave., Alhambra, California 91801.

3. Respondent failed to provide the Department with updated contact information, as required by Wis. Stat. § 440.11.

4. Respondent's license was granted in part based on her passing the Massage & Bodywork Licensing Examination (MBLEx) required for licensure in this and other states.

5. On October 27, 2015, the Federation of State Massage Therapy Boards (FSMTB) informed the Department that an audit conducted by that organization invalidated Respondent's MBLEx score. The stated reason is that, at the time Respondent sat for the MBLEx, Respondent provided FSMTB with inaccurate educational information.

6. Respondent does not meet the education requirements for licensure set forth in Wis. Stats. § 460.05(1)(e)1 and Wis. Admin. Code § MTBT 2.01(3)(a) because she has not provided evidence satisfactory to the department that she graduated from a school of massage therapy or bodywork approved by the educational approval board.

7. Respondent does not to meet the examination requirements for licensure set forth in Wis. Stats. § 460.06 and Wis. Admin. Code § MTBT 2.01(3)(g) because she has not achieved a valid passing MBLEx score.

8. Respondent agrees to voluntarily surrender her Wisconsin license to practice massage therapy and bodywork therapy (no. 12523-146) and consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The Wisconsin Massage Therapy and Bodywork Therapy 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).

ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the VOLUNTARY SURRENDER of Zhiping Cheng's Wisconsin license to practice massage therapy and bodywork therapy (no. 12523-146) effective the date of this Order.

3. If Zhiping Cheng applies for Wisconsin licensure to practice massage therapy and bodywork therapy in the future, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, and shall require Zhiping Cheng to demonstrate to the satisfaction of the Board that she meets all legal requirements for licensure. Alternatively, the Board may enter an order denying such application without further notice or hearing.

4. If Zhiping Cheng ever seeks re-licensure in Wisconsin, she shall, as a prerequisite, pay COSTS of this matter in the amount of \$90.00.

5. 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

July 19, 2016
Date

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
ZHIPING CHENG, : STIPULATION
RESPONDENT. :
 : 0004812

Division of Legal Services and Compliance Case No. 15 MAB 057

Respondent Zhiping Cheng, 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 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.

zhiping cheng
Zhiping Cheng, Respondent
501½ W. Adams Ave.
Alhambra, California 91801
License No. 12523-146

5-10-2016
Date

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

5/13/16
Date