

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
XIAOLI CUI, :  
RESPONDENT. :

0004813

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Division of Legal Services and Compliance Case No. 15 MAB 001

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

Xiaoli Cui  
1918 E. Calumet Street #B  
Appleton, WI 54915

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 Xiaoli Cui (DOB June 15, 1981) is licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 12808-146, first issued on February 28, 2014 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1918 East Calumet Street #B, Appleton, Wisconsin 54915.
2. Respondent owns a massage therapy business named Thai Massage and located at 127 Sunset Avenue, Waukesha, Wisconsin.

3. On February 2, 2015, Department investigators presented for an inspection at Thai Massage. Respondent's license was not displayed in the business during the investigators' inspection.
4. Respondent advertises that she provides massage therapy services at Thai Massage.
5. Respondent's advertisement does not include a statement that she is a licensed massage therapist or bodywork therapist.
6. Respondent's advertisement previously advertised 4 hands massages. Respondent does not provide 4 hands massages and is in fact the only licensed massage therapist working at Thai Massage.
7. During a discussion with Department staff, Respondent falsely stated she was no longer advertising 4 hands massages. Upon further questioning, she admitted she was still advertising 4 hands massages at that time.
8. Respondent is no longer advertising 4 hands massages.
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).
2. By the conduct described in the Findings of Fact, Respondent Xiaoli Cui engaged in unprofessional conduct pursuant to Wis. Admin. Code § MTBT 5.01(28)<sup>1</sup> by failing to display her license in her place of business or practice so that it can easily be seen and read by the public.
3. By the conduct described in the Findings of Fact, Respondent Xiaoli Cui engaged in unprofessional conduct pursuant to Wis. Admin. Code § MTBT 5.02(4)<sup>2</sup> by engaging in an act of misrepresentation to Department personnel.
4. By the conduct described in the Findings of Fact, Respondent Xiaoli Cui violated Wis. Stat. § 460.13 by advertising that she practices massage therapy or bodywork therapy without including in the advertisement a statement that she is a "licensed massage therapist and bodywork therapist" or "licensed massage therapist" or "licensed bodywork therapist."
5. As a result of the above violations, Xiaoli Cui is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g) and (j).

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<sup>1</sup> This citation refers to Wis. Admin. Code § MTBT 5.01(28) as effective on February 2, 2015, the date of the Department's inspection.

<sup>2</sup> This citation refers to Wis. Admin. Code § MTBT 5.02(4) as effective on April 26, 2016, the date of Department staff's discussion with Respondent.

ORDER

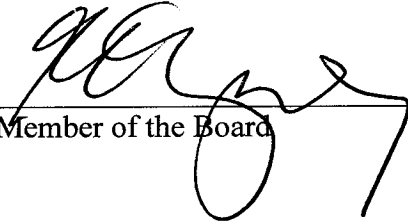
1. The attached Stipulation is accepted.
2. Respondent Xiaoli Cui is REPRIMANDED.
3. Within 90 (ninety) days from the date of this Order, Xiaoli Cui shall pay COSTS of this matter in the amount of \$350.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

XIAOLI CUI,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0004813

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Division of Legal Services and Compliance Case No. 15 MAB 001

Respondent Xiaoli Cui 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.

XiaoLi Cui  
Xiaoli Cui, Respondent  
1918 E. Calumet St. #B  
Appleton, WI 54915  
License no. 12808-146

5/6/2016  
Date

Andrea Brauer  
Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/9/16  
Date