

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 :
 : FINAL DECISION AND ORDER
SHUYING DING, :
RESPONDENT. :
 : **0005084**

Division of Legal Services and Compliance Case No. 15 MAB 055

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

Shuying Ding
1718 Velp Avenue, Unit 1G
Green Bay, WI 54303

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 Shuying Ding (DOB November 5, 1982) is licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 11868-146, first issued on July 6, 2012, and expired as of March 1, 2015. Respondent currently has the right to automatically renew her license.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1775 Witzel Avenue, Oshkosh, WI 54902.

However, on January 9, 2014, Respondent verbally indicated that her current address was 1718 Velp Ave., Unit 1G, Green Bay, WI 54303. No additional update has been provided.

3. The Department conducted an investigation in Case No. 13 MAB 12 based on allegations that Respondent, as owner and operator of King Spa, a massage therapy or bodywork therapy establishment located at 1718 Velp Ave., Green Bay, WI 54303, was practicing massage therapy for a sexually oriented business. These allegations were not substantiated.

4. A Final Decision and Order was issued in Case No. 13 MAB 12 which resulted in Respondent's license being suspended for a period of one year.¹ Respondent's license was also limited, in part, as follows:

- a. Respondent was prohibited from employing non-WI licensed massage therapy personnel to perform massage therapy or bodywork therapy services in any business establishment she owned or operated;
- b. Respondent was ordered to complete continuing education in the areas of ethics and sanitation;
- c. Respondent was to complete work reports, and
- d. Upon reinstatement of her credential following suspension, Respondent was to practice massage therapy or bodywork therapy only under the oversight of a professional mentor approved by the Board or its designee.

5. Renewal of Respondent's Wisconsin license to practice massage therapy or bodywork therapy was due on or before February 28, 2015. Respondent failed to renew her license.

6. On November 18, 2015, the Department opened the current investigation of Respondent based upon allegations that Respondent, and /or Respondent's employees engaged in acts of prostitution at King Sunshine Spa, a massage therapy establishment owned and operated by Respondent and located at 2826 W. Rawson Avenue, Franklin, Wisconsin. Respondent denies these allegations, which to date, remain unproven.

7. Respondent agrees to voluntarily surrender her license to practice massage therapy and bodywork therapy, and any appurtenant right to renew that license.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

¹ The expiration date of the one-year suspension was April 30, 2016.

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. § 460.02, 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, Shuying Ding engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(1)², by violating s. 460.14(2) of the Wisconsin Statutes, or any provision of a board order.

3. By the conduct described in the Findings of Fact, Shuying Ding engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(10), by engaging in any practice or conduct that falls below the standard of minimal competence within the profession that results in unacceptable risk of harm to the client.

4. By the conduct described in the Findings of Fact, Shuying Ding engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(22) by permitting or assisting any person to perform acts constituting massage therapy or bodywork therapy without sufficient qualifications, necessary credentials, adequate informed consent, or adequate supervision.

5. As a result of the above violations, Shuying Ding is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the SURRENDER by Shuying Ding of the Wisconsin license (no. 11868-146) to practice massage therapy and bodywork therapy, and any appurtenant right to renew that license, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of her credential to practice massage therapy and bodywork therapy in the State of Wisconsin.

4. Respondent shall never again practice massage therapy and bodywork therapy in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of a credential necessary to practice massage therapy and bodywork therapy in the State of Wisconsin.

5. If Respondent ever seeks any other license under Wis. Stat. chs. 440-480, Respondent shall, as a prerequisite to application, pay costs of \$500.00 as ordered in Case No. 13 MAB 012 and also pay costs of \$421.00 for the current Case No. 15 MAB 055. If Respondent never seeks licensure in Wisconsin, the Department waives the referenced costs.

² All references to the Wisconsin Administrative Code are the Code provisions in effect at the time of the alleged conduct.


Final Decision and Order
In the matter of disciplinary proceedings against
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6. If applicable, payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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

7. 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

12/14/16
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHUYING DING,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005084

Division of Legal Services and Compliance Case No. 15 MAB 055

Respondent Shuying Ding, 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 Tom Grieve at Grieve Law, LLC.

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.

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In the matter of disciplinary proceedings against
Shuying Ding, 15 MAB 055

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.

Shuying Ding

Shuying Ding, Respondent
1718 Velp Avenue, Unit 1G
Green Bay, WI 54303
License No. 11868-146

16/09/16

Date

[Signature]

Tom Grieve, Attorney for Respondent
Grieve Law LLC
1305 N. Barker Suite 8
Brookfield, WI 53045

September 19, 2016

Date

[Signature]

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

September 23, 2016

Date