

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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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
HUAYING SUN,	:	
RESPONDENT.	:	0005458

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Division of Legal Services and Compliance Case No. 17 MAB 012

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

Huaying Sun  
2713 Penbrook Drive  
Mount Pleasant, WI 53406

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 Huaying Sun, L.M.T. (DOB January 14, 1963) is licensed in the state of Wisconsin to practice massage therapy or bodywork therapy, having license number 4779-146, first issued on November 5, 2010, and current through February 28, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2713 Penbrook Drive, Mount Pleasant, Wisconsin 53406.

2. Respondent is the owner and operator of Body Oasis, a massage therapy establishment in Mount Pleasant, Wisconsin.

3. On September 8, 2016, Respondent was charged with two counts of misdemeanor fourth degree sexual assault, in violation of Wis. Stat. § 940.255(3m), in Racine County Circuit Court Case No. 16-CM-2017.

4. On June 14, 2017, Respondent was charged with third degree sexual assault, in violation of Wis. Stat. § 940.255(3), in Racine County Circuit Court Case No. 17-CF-795.

5. The Department opened this matter, Division of Legal Services and Compliance (DLSC) Case No. 17 MAB 012, to investigate the allegations referenced above.

6. On July 26, 2017, Respondent stipulated to an Interim Order which was adopted by the Board on September 26, 2017 (Interim Order). Pursuant to the Interim Order, Respondent's credential to practice massage and bodywork therapy was suspended during the pendency of DLSC Case No. 17 MAB 012.

7. On May 1, 2018, Racine County Circuit Court Case Nos. 16-CM-2017 and 17-CF-795 were resolved pursuant to a negotiated plea deal. Respondent pled no contest to one count of misdemeanor fourth degree sexual assault, in violation of Wis. Stat. § 940.255(3m), and no contest to multiple counts of misdemeanor battery, in violation of Wis. Stat. § 940.19(1). Respondent was sentenced to 60 days in jail and 18 months probation.

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

#### CONCLUSION 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).

#### ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the PERMANENT SURRENDER of Respondent Huaying Sun's Wisconsin credential to practice massage therapy and bodywork therapy (no. 4779-146) effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of his right to 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 credentials necessary to practice massage therapy and bodywork therapy in the state of Wisconsin.

4. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$926.00.

5. If applicable, 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

6. 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

6/5/18  
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	:	
	:	STIPULATION
HUAYING SUN,	:	
RESPONDENT.	:	0005458

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Division of Legal Services and Compliance Case No. 17 MAB 012

Respondent Huaying Sun, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

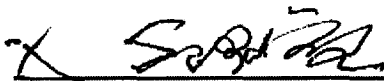
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 Jillian J. Scheidegger.
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.

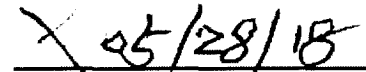
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

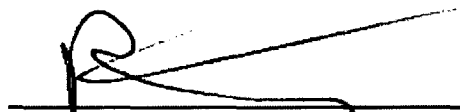
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

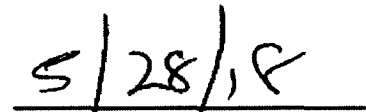
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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.

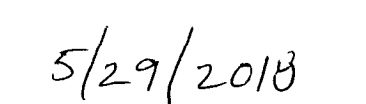
  
\_\_\_\_\_  
Huaying Sun, Respondent  
2713 Penbrook Drive  
Mount Pleasant, WI 53406  
License no. 4779-146

  
\_\_\_\_\_  
Date 5/28/18

  
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Jillian J. Scheidegger, Attorney for Respondent  
Cafferty Law Office, S.C.  
840 Lake Avenue, Suite 300  
Racine, WI 53403

  
\_\_\_\_\_  
Date 5/28/18

  
\_\_\_\_\_  
Colleen L. Meloy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

  
\_\_\_\_\_  
Date 5/29/2018