

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

0005668

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JING ZHANG,	:	
RESPONDENT.	:	

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Division of Legal Services and Compliance Case No. 15 MAB 050

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

Jing Zhang  
2305 S. Stewart Ave. Unit D  
Chicago, IL 60616

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 Jing Zhang (DOB April 3, 1962), is licensed by the State of Wisconsin as a massage therapist or bodywork therapist, having license number 13137-146, first issued on October 7, 2014, and current through February 28, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2305 South Stewart Ave., Unit D, Chicago, Illinois 60616. However, Respondent verbally informed Department staff on June 2, 2015, that her address is 4900 Schofield Street, Monona, Wisconsin 53716.

2. At all times pertinent to this matter, Respondent was employed at a massage therapy establishment located at 4877 Larson Beach Road, McFarland, Wisconsin 53558 (the Business).<sup>1</sup>

3. The Department received a consumer complaint about the Business which included a copy of print advertisement for the Business from backpage.com,<sup>2</sup> the “Madison adult entertainment” section promoting “Sweet Asian Massage,” and the “BEST Bodyrub” from “[b]eauties from Korea and Chinese.”

4. On June 2, 2015, Department staff conducted an unannounced inspection of the Business in response to the complaint. Department investigation findings included:

- a. Respondent and another Asian female, Female A, present at the Business;
- b. Two adult males present at the Business, undressed, and draped for massage;
- c. No massage therapy treatment records or informed consent forms present;
- d. No massage therapist or bodywork therapist license posted for Female A;
- e. Female A has never been licensed to practice massage therapy in Wisconsin; and
- f. Respondent failed to provide proof of liability insurance when requested and stated she was unaware massage therapy treatment records or informed consent forms had to be maintained.

5. Subsequent to the June 2, 2015 inspection, Respondent provided proof of liability insurance to the Department.

6. 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. § 460.02, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

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<sup>1</sup> The name of the business establishment has changed several times since 15 MAB 050 was opened for investigation.

<sup>2</sup> Backpage.com is widely regarded as a source for covert advertisement for businesses engaged in illicit business practices, including prostitution.

2. By the conduct described in the Findings of Fact, Respondent Jing Zhang engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(3)<sup>3</sup> by failing to inform a client about contraindications of massage therapy or bodywork.

3. By the conduct described in the Findings of Fact, Respondent Jing Zhang engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(6) by practicing massage therapy or bodywork on a client without first obtaining the written informed consent of the client.

4. By the conduct described in the Findings of Fact, Respondent Jing Zhang engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(8) by failing to maintain, for a period of at least 5 years, records necessary for the continuity of the client's massage therapy or bodywork treatment.

5. By the conduct described in the Findings of Fact, Respondent Jing Zhang engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(20) by aiding and abetting an uncertified person relating to the practice of massage therapy or bodywork.

6. As a result of the above violations, Respondent Jing Zhang is subject to discipline pursuant to Wis. Stat. § 460.14(2).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent, Jing Zhang is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Jing Zhang shall pay a FORFEITURE in the amount of \$1000.00 and COSTS of this matter in the amount of \$421.00.

4. Payment of the forfeiture and costs, made payable to the Wisconsin Department of Safety and Professional Services, and requests for re-approval and proof of successful course completion, and submission of reports, shall be sent 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  
DPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 13137-146) or Respondent's right to renew her license, may, in the discretion of the Board or its

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<sup>3</sup> All references to the Wisconsin Administrative Code are to the Code provisions in effect at the time of the alleged conduct.

designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

3/20/18  
Date

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

0005668

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JING ZHANG,	:	
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 15 MAB 050

Respondent Jing Zhang, 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.

Stipulation  
In the matter of disciplinary proceedings against  
Jing Zhang, DLSC Case No. 15 MAB 050

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.

JING ZHANG

Jing Zhang, Respondent  
2305 South Stewart Avenue, Unit D  
Chicago, IL 60616  
License no. 13137-146

2-26-18

Date

Robert DeBauche

Robert DeBauche, Attorney  
DeBauche Law Firm  
P.O. Box 8608  
Madison, WI 53708-8608

2-13-18

Date

Yolanda McGowan

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

2/26/18

Date