

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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

XIANHUA ZENG,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005767**

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Division of Legal Services and Compliance Case No. 17 MAB 010

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

Xianhua Zeng  
1305 Morningstar Court  
Naperville, IL 60564

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 Xianhua Zeng (DOB July 14, 1975) is licensed by the State of Wisconsin as a massage therapist, having license number 13617-146 first issued on November 20, 2015, and current through February 28, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1305 Morningstar Court, Naperville, Illinois 60564.

2. On May 16, 2017, Department investigators conducted an unannounced inspection of a massage therapy business in Maple Bluff, Wisconsin (Business).

3. Respondent's massage therapy license was displayed at the Business, but she was not on site. Two females were present and although neither held a valid Wisconsin license to practice massage therapy or bodywork therapy, they were providing massage services that day.

4. Department investigators requested, but the Business could not produce, a client schedule, client records, and informed consent documentation.

5. On May 18, 2017, Department investigators interviewed Respondent at which time she admitted she owned and operated the Business, that she did not maintain client records, that she did not obtain and document client informed consent, and that she did not know the Business employees needed a valid Wisconsin license to provide massage services.

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

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#### 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 (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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(8) by failing to maintain accurate and timely records necessary for the continuity of a client's massage therapy or bodywork therapy treatment.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(9) by performing any act constituting the practice of massage therapy or bodywork therapy on any client without the client's informed consent or by failure to document informed consent.

4. By the conduct described in the Findings of Fact, Respondent 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, Xianhua Zeng is subject to discipline pursuant to Wis. Stat. § 460.14(2).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Xianhua Zeng is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$325.00.

4. 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. In the event Respondent violates any term of this Order, Respondent's license (13617-146), or Respondent's right to renew her license, may, in the discretion of the Board or its 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

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

XIANHUA ZENG,  
RESPONDENT.

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STIPULATION

0005767

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Division of Legal Services and Compliance Case No. 17 MAB 010

Respondent Xianhua Zeng, 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.

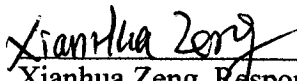
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance 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.

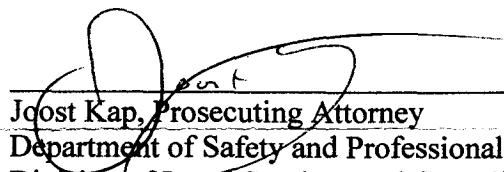
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Xianhua Zeng, Respondent  
1305 Morningstar Court  
Naperville, IL 60564  
License no. 13617-146

3/14/2018  
\_\_\_\_\_  
Date

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

3/16/18  
\_\_\_\_\_  
Date