

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JING ZHANG, L.M.T. :
RESPONDENT. :
ORDER 0006725

Division of Legal Services and Compliance Case No. 17 MAB 017

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

Jing Zhang, L.M.T.

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, L.M.T. (born in 1962) is licensed in the state of Wisconsin as a massage therapist and bodywork therapist, having license number 13137-146, first issued on October 7, 2014, and current through February 28, 2021.

15 MAB 050

2. On March 20, 2018, the Board issued Final Decision and Order #0005668 in DLSC Case No. 15 MAB 050. That matter involved allegations that Respondent had sexual contact with her massage client.

3. There was ultimately insufficient evidence to prove the allegations of sexual contact but the Board reprimanded Respondent for violations related to informed consent, record-keeping, and aiding and abetting the unlicensed practice of massage therapy.

17 MAB 017

4. At all times relevant hereto, Respondent was employed as a massage therapist at a business in New Berlin, Wisconsin.

5. On February 15, 2019, Respondent was charged in Waukesha County Circuit Court Case No. 19-CF-243, *State of Wisconsin vs. Jing Zhang*, with one count of keeping a place of prostitution in violation of Wis. Stat. § 944.34(1).

6. The criminal complaint in 19-CF-243 alleges, *inter alia*, that on multiple occasions, Respondent had sexual contact with her massage therapy clients, including a confidential informant working with the New Berlin Police Department.

7. On September 30, 2019, Respondent was convicted in 19-CF-243 of *Lewd, Lascivious Behavior-In Public*, in violation of Wis. Stat. § 944.20(1)(a), for sexual acts committed between April 14, 2016 and December 4, 2017 in the course of her work as a massage therapist.

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

CONCLUSIONS OF LAW

1. By the conduct described in the Findings of Fact, Respondent Jing Zhang, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(15) by engaging in sexually explicit conduct, sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a client, a client's immediate family member, or a person responsible for the client's welfare.

2. By the conduct described in the Findings of Fact, Respondent Jing Zhang, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(26) by being convicted of any federal or state law or rule, including criminal law, which is substantially related to the practice of massage therapy or bodywork therapy.

3. 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 VOLUNTARY PERMANENT SURRENDER of the Wisconsin license to practice massage therapy and bodywork therapy of Jing Zhang, L.M.T. (license number 13137-146) and the appurtenant right to renew it, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of her 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, she shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$200.00.

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:

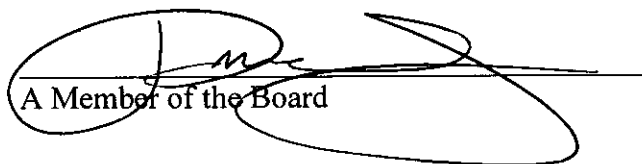
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

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

Date 3/17/20

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JING ZHANG, L.M.T. :
RESPONDENT. : **ORDER U006725**

Division of Legal Services and Compliance Case No. 17 MAB 017

Respondent Jing Zhang, L.M.T., 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.

JING ZHANG

Jing Zhang, L.M.T., Respondent
License no. 13137-146

3/4/2020

Date

Michael Beink

Michael Beink,
Joost Kap, Prosecuting Attorney Atty. Supervisor
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/4/2020

Date

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Paralegal Steve Engelbrecht, on behalf of Attorney Joost Kap, Division of Legal Services and Compliance		2) Date When Request Submitted: March 4, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>																			
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board																					
4) Meeting Date: March 17, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Proposed Stipulation and Final Decision and Order in the Matter of, 17 MAB 017, Jing Zhang, L.M.T.																			
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: Robert Coleman																			
10) Describe the issue and action that should be addressed: The board members need to review and consider the Stipulation and Proposed Final Decision and Order and vote whether to approve it in closed session.																					
<table style="width: 100%; border: none;"> <tr> <td style="width: 35%; border: none;">11)</td> <td style="width: 35%; border: none; text-align: center;">Authorization</td> <td style="width: 30%; border: none;"></td> </tr> <tr> <td style="border: none;"><i>Steve Engelbrecht</i></td> <td style="border: none;"></td> <td style="border: none; text-align: center;">3-4-2020</td> </tr> <tr> <td style="border: none;"><small>Signature of person making this request</small></td> <td style="border: none;"></td> <td style="border: none; text-align: center;"><small>Date</small></td> </tr> <tr> <td style="border: none;"> <small>Supervisor (if required)</small></td> <td style="border: none;"></td> <td style="border: none; text-align: center;"> <small>Date</small></td> </tr> <tr> <td colspan="3" style="border: none;"> <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small></td> </tr> <tr> <td colspan="3" style="border: none; text-align: right;"><small>Date</small></td> </tr> </table>				11)	Authorization		<i>Steve Engelbrecht</i>		3-4-2020	<small>Signature of person making this request</small>		<small>Date</small>	 <small>Supervisor (if required)</small>		 <small>Date</small>	 <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small>			<small>Date</small>		
11)	Authorization																				
<i>Steve Engelbrecht</i>		3-4-2020																			
<small>Signature of person making this request</small>		<small>Date</small>																			
 <small>Supervisor (if required)</small>		 <small>Date</small>																			
 <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small>																					
<small>Date</small>																					
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																					