

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

JUHUA YOU, L.M.T.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007102

Division of Legal Services and Compliance Case No. 17 MAB 018

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

Juhua You, L.M.T.
Oshkosh, WI 54902

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 Juhua You, L.M.T. (DOB xx-xx-1972) is licensed in the state of Wisconsin as a massage therapist and bodywork therapist, having license number 13983-146, first issued on October 3, 2016, with registration current through February 28, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54902.

2. At all times relevant hereto, Respondent was employed as a massage therapist and manager at JJ's Health Spa in Oshkosh, Wisconsin (JJ's).

3. Between February and April 2018, the Oshkosh Police Department conducted an investigation which revealed that unlicensed individuals were providing massage services at JJ's and at times had sexual contact with clients.

4. The investigation did not show that Respondent had sexual contact with massage clients but identified her as the manager of JJ's.

5. On October 11, 2018, Respondent entered a "no contest" plea to misdemeanor Prostitution – Sexual Contact – Party to a Crime, in violation of Wis. Stat. § 944.30(1m)(e), in Winnebago County Circuit Court Case No. 18-CF-287.

6. Respondent's plea was made pursuant to a Deferred Adjudication Agreement (DAA) whereby the criminal charge against Respondent would be dismissed contingent on her successful compliance with various conditions for twelve months, including fines, court fees, counseling, STD testing, no criminal activity, and no use of any websites which are known to display ads for prostitution.

7. The court noted that the "interests of justice" supported the DAA because Respondent "is a refugee from China in the U.S. on political asylum [and] has been here since 2013 with no priors."

8. On September 25, 2019, the court dismissed the criminal charge against Respondent based on her successful completion of the DAA.

9. 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. § 460.14, 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 Juhua You, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(5) by employing illegal or unethical business practices.

3. By the conduct described in the Findings of Fact, Respondent Juhua You, L.M.T., 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.

4. As a result of the above violations, Juhua You, L.M.T., is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Juhua You, L.M.T., is REPRIMANDED.
3. The Wisconsin license to practice massage therapy and bodywork therapy issued to Juhua You, L.M.T. (license no. 13983-146) is SUSPENDED for two (2) weeks starting on December 15, 2020.
4. The Wisconsin license to practice massage therapy and bodywork therapy issued to Juhua You, L.M.T. (license no. 13983-146) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of professional ethics, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. The Board's monitoring liaison may change the number of credit hours in response to a request from Respondent. The monitoring liaison may consider the hours of education when determining if a change to the ordered education should occur.
 - e. This limitation shall be removed from Respondent's license and respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed the ordered education.
5. Within six (6) months from the date of this Order, Juhua You, L.M.T., shall pay COSTS of this matter in the amount of \$1,900.00.
6. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

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

7. In the event that Respondent violates any term of this Order, Respondent's license (no. 13983-146) to practice massage therapy and bodywork therapy in the state of Wisconsin 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.

8. This Order is effective on the date of its signing

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

By: Robert Coleman Jr. Jr.
A Member of the Board

1 December 2020
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JUHUA YOU, L.M.T.,
RESPONDENT.

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STIPULATION

ORDER 0007102

Division of Legal Services and Compliance Case No.17 MAB 018

Respondent Juhua You, 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. Respondent is represented by Attorney Matthew Goldin.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Examining 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.

JUHUA YOU
Juhua You, L.M.T., Respondent
Oshkosh, WI 54902
License no. 13983-146

11-20-2020
Date

Matthew Goldin
Matthew Goldin, Attorney for Respondent
Goldin & Lennon, LLC
125 Church Avenue
Oshkosh, WI 54901

11/20/20
Date

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

11/20/2020
Date