

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

CUIPENG ZHANG,  
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

**ORDER 0007236**

Division of Legal Services and Compliance Case No. 19 UNL 122

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

Cuipeng Zhang  
Milwaukee, WI 53209

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

Division of Legal Services and Compliance  
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Cuipeng Zhang is not and has never been licensed to practice as a massage therapist or bodywork therapist in the state of Wisconsin.
2. Respondent's mother provided instruction and training to Respondent regarding massage therapy.
3. On September 29, 2019, a client booked a massage for the same day at a facility owned by Respondent's mother located in Whitefish Bay, Wisconsin (Facility).

4. The client received a confirmation text from the Facility that Respondent would be her massage therapist.

5. Respondent provided the massage to the client.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5) and Wis. Admin. Code § SPS 3.11.

2. Pursuant to Wis. Stat. § 460.02, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title "massage therapist and bodywork therapist" or "massage therapist" or "bodywork therapist" or "masseur" or "masseuse" or any title that includes "massage therapist," "bodywork therapist," or "bodyworker," or append to the person's name the letters "M.T.," "R.M.T.," "L.M.T.," "C.M.T.," "B.T.," "B.W.," "L.B.W.," "R.B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that he or she is licensed under this chapter, unless the person is licensed under this chapter.

3. The conduct described in the Findings of Fact constitutes the unlicensed practice of massage therapy or bodywork therapy, contrary to Wis. Stat. § 460.02.

#### ORDER

1. The attached Stipulation is accepted.

2. Unless and until Respondent is properly licensed as a massage therapist or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, Respondent is enjoined and prohibited from the practice of massage therapy and bodywork therapy in the state of Wisconsin.

3. Unless and until Respondent is properly licensed as a massage therapist or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, Respondent is enjoined and prohibited from providing massage therapy or bodywork therapy, designating herself as a massage therapist or bodywork therapist or masseur or masseuse, or using or assuming the title "massage therapist and bodywork therapist" or "massage therapist" or "bodywork therapist" or "masseur" or "masseuse" or any title that includes "massage therapist," "bodywork therapist," or "bodyworker," or appending to her name the letters "M.T.," "R.M.T.," "L.M.T.," "C.M.T.," "B.T.," "B.W.," "L.B.W.," "R.B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that he or she is licensed under Wis. Stat. ch. 460.

4. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

5. If the Department determines there is probable cause to believe Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this Injunction and Stipulation to the appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 25<sup>th</sup> day of February, 2021.

By: Al. Rohmeyer  
Aloysius Rohmeyer, Chief Counsel  
On behalf of the Department

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF

CUIPENG ZHANG,  
RESPONDENT.

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STIPULATION

**ORDER 0007236**

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Division of Legal Services and Compliance Case No. 19 UNL 122

Respondent Cuipeng 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. Respondent is represented by Attorney Gregory Burce.

4. Respondent agrees to the adoption of the attached Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

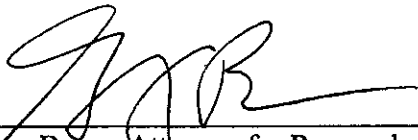
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.

Cuipeng Zhang

Cuipeng Zhang, Respondent  
Milwaukee, WI 53209

2/9/2021

Date



Gregory Burce, Attorney for Respondent  
Hall Burce & Olson, S.C.  
759 North Milwaukee St., Room 410  
Milwaukee, WI 53202

2-17-2021

Date



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

2-18-2021

Date