

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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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	:	
	:	FINAL DECISION AND ORDER
CHUNYING XU, L.M.T.,	:	
RESPONDENT.	:	<b>ORDER 0007699</b>

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Division of Legal Services and Compliance Case No. 19 MAB 023

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

Chunying Xu, L.M.T.  
Appleton, WI 54914

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 Chunying Xu, L.M.T., (Year of Birth 1972) is licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 14123-146, first issued on January 11, 2017, and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54914.

2. At all times relevant to this proceeding, Respondent was employed as a massage therapist or bodywork therapist in Appleton, Wisconsin.

3. On October 16, 2019, the Department was notified by the Appleton Police Department that Respondent was associated with alleged sexual crimes and misconduct at two massage therapy establishments in Appleton. The Division of Legal Services and Compliance (Division) opened case number 19 MAB 023 for investigation.

4. The Appleton Police Department's report stated that on two separate occasions, two separate customers described sexual acts being done to them by Respondent and one other employee.

5. On April 12, 2021, Respondent pled no contest and was convicted of one (1) count of Prostitution-Nonmarital Sexual Intercourse, a class A misdemeanor, in violation of Wis. Stat. § 944.30(1m)(a), in Outagamie County Circuit Court case number 19CF860. One (1) count of Keeping a Place of Prostitution, a class H felony, in violation of Wis. Stat. § 944.34(1), was dismissed and read in.

6. On April 12, 2021, Respondent pled no contest and was convicted of one (1) count of Disorderly Conduct, a class B misdemeanor, in violation of Wis. Stat. § 947.01(1), in Outagamie County Circuit Court case number 19CF851. One (1) count of Prostitution-Nonmarital Sexual Intercourse, a class A misdemeanor, in violation of Wis. Stat. § 944.30(1m)(a), was dismissed and read in.

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

#### CONCLUSIONS OF LAW

1. The 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 violated Wis. Admin. Code § MTBT 5.02(2) by being convicted of an offense under s. 944.30(1m), Stats.

3. Subject to the rules promulgated under s. 440.03(1), the Board shall revoke a license under Ch. 460, Stats., if the license holder is convicted of an offense under s. 944.30(1m), Stats., pursuant to Wis. Stat. § 460.14(2m)(a).

4. By the conduct described in the Findings of Fact, Respondent violated 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.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14.

#### ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT VOLUNTARY SURRENDER by Respondent of her license to practice massage therapy or bodywork therapy in the state of Wisconsin (license no. 14123-146), and her right to renew such license, is accepted.

3. In the event Respondent applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$624.00, before any application for a credential will be considered by the applicable board or Department.

4. Any payments of costs (made payable to Department of Safety and Professional Services) shall be submitted to:


Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. 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

30 November 2021

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

CHUNYING XU, L.M.T.,  
RESPONDENT.

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:  
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:

STIPULATION

**ORDER 0007699**

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Division of Legal Services and Compliance Case No. 19 MAB 023

Respondent Chunying Xu, 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.

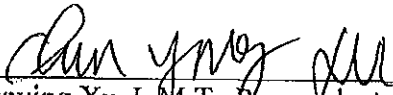
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance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

  
Chunying Xu, L.M.T., Respondent  
Appleton, WI 54914  
License No. 14123-146

09/16/2021  
Date

  
Carley J. Peich Kiesling, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

09/29/2021  
Date