

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

CHUNYUAN BI,
RESPONDENT.

:
:
: ADMINISTRATIVE INJUNCTION
: **ORDER 0007787**

Division of Legal Services and Compliance Case No. 21 UNL 076 (MAB)

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

Chunyuan Bi
Rice Lake, WI 54868

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

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 Chunyuan Bi is not and has never been licensed to practice as a massage therapist or bodywork therapist in the state of Wisconsin.
2. On September 16, 2021, the Department's Division of Legal Services and Compliance received a complaint from Client A stating that she received a massage from Respondent on August 30, 2021 at Oriental Wellness in Rice Lake, Wisconsin.
3. At all relevant times, Respondent was the owner and operator of Oriental Wellness.

4. Client A alleged that during the massage, Respondent climbed on top of her placing her hands near Client A's shoulder blades, knees on her lower back and toes on her calves, leading to bruising.

5. Respondent admitted to applying aromatherapy with massage to help Client A achieve relaxation and tension release. Testimonials on Respondent's website indicate other clients have also received massage therapy from Respondent.

6. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Stat. § 440.21 and Wis. Admin. Code Ch. SPS 3, and is authorized to enter into the attached Stipulation and Order 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 unless the person is licensed under this chapter. "Massage therapy" or "bodywork therapy" means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. Wis. Stat. § 460.01(4).

3. Based on the Findings of Facts, Respondent provided massage therapy in Wisconsin without a license, contrary to Wis. Stat. § 460.02.

SPECIAL ORDER

1. The attached Stipulation is accepted.

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

3. Respondent shall provide a copy of this Administrative Injunction with any application she submits for a license issued by the Board.

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

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 28th day of January, 2022.

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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

CHUNYUAN BI,
RESPONDENT.

STIPULATION
ORDER 0007787

Division of Legal Services and Compliance Case No. 21 UNL 076 (MAB)

Respondent Chunyuan Bi 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 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.

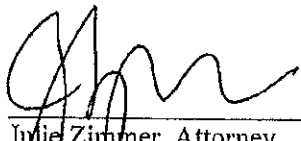
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

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

Chunyuan Bi
Chunyuan Bi, Respondent
Rice Lake, WI 54868

2021/12/26

Date


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

01/07/2022

Date