

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/wscca>

- 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



**Before The
State Of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

In the matter of a Petition for an Administrative
Injunction involving Shulan Luo, Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0007810**

Division of Legal Services and Compliance Case No. 19 UNL 133

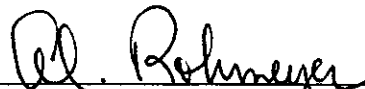
The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Safety and Professional Services.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 2nd day of February, 2022.



Aloysius Rohmeyer
Chief Legal Counsel

Department of Safety and Professional Services



**Before The
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of a Petition for an Administrative
Injunction Against Shulan Luo, Respondent

DHA Case No. SPS-21-0066
DLSC Case No. 19 UNL 133

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat. §§ 227.44, 227.47(1) and 227.53 are:

Shulan Luo

Chicago, IL 60616

Wisconsin Department of Safety and Professional Services,
Division of Legal Services and Compliance, by:

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

PROCEDURAL HISTORY

These proceeding were initiated on August 20, 2021, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a Notice of Hearing and Petition for Administrative Injunction against Shulan Luo (Respondent). The Petition alleged that the Respondent had provided massage therapy without a license in the state of Wisconsin, in violation of Wis. Stat. § 460.02.

Administrative Law Judge Angela Chaput Foy (ALJ) was assigned to the matter, and an initial prehearing conference was held on October 5, 2021. At that time, the Respondent did not appear and neither the ALJ nor the Department had any contact information for the Respondent other than two mailing addresses. The Department moved for default, based on the Respondent's failure to file an answer and failure to appear for the prehearing conference, and the motion was granted and a Notice of Default and Order was issued on October 6, 2021.

On October 11, 2021, Respondent had a friend contact the Division of Hearings and Appeals (DHA) on her behalf who indicated that the Respondent was waiting for the prehearing

conference on October 5, 2021, but that she was not contacted, asked that the prehearing conference be rescheduled, and indicated that Respondent does not speak English and requested a translator in Chinese (Mandarin) for Respondent.

The Notice of Default and Order was rescinded on October 11, 2021, and the Department was ordered to serve the Respondent with a copy of the Petition for Administrative Injunction, and a copy the Prehearing Conference Report and Notice of Prehearing Conference each translated into the Respondent's native language, Chinese (Mandarin).

A rescheduled prehearing conference was held on January 5, 2021. With the assistance of an interpreter, the Respondent gave an oral Answer to the Petition, admitting to the findings of fact stated below, including that she previously did some massage therapy work in the state of Wisconsin. She also agreed to the entry of a special order enjoining her from practicing massage therapy or bodywork therapy in the state of Wisconsin until she is properly licensed.

FINDINGS OF FACT

The Respondent admitted to the following facts:

1. The Respondent, Shulan Luo, is not licensed to practice massage therapy and bodywork therapy in the State of Wisconsin.
2. The Respondent's address is _____, Chicago, Illinois 60616.
3. The Respondent previously did some massage therapy work in Wisconsin when she was not licensed.
4. The Respondent does not currently live in Wisconsin.
5. The Respondent agrees to the entry of a special order enjoining her from practicing massage therapy or bodywork therapy in the state of Wisconsin until she is properly licensed.

DISCUSSION AND CONCLUSIONS OF LAW

Jurisdictional Authority

The Department has the authority to conduct investigations, hold hearings and make findings as to whether a person has engaged in a practice without a credential required under Chapters 440 to 480 of the Wisconsin Statutes. If the Department determines that a person has engaged in a practice without a credential, the Department may issue a special order enjoining the person from the continuation of the practice. Wis. Stat. §§ 440.21(1) and (2).

Pursuant to Wis. Admin. Code § SPS 3.09, the undersigned ALJ, an employee of the Department of Administration, Division of Hearings and Appeals, has authority to preside over administrative injunction proceedings in accordance with Wis. Stats. §§ 20.901 and 227.46(1).

Unlicensed Practice

No person may provide massage therapy or bodywork therapy unless the person is licensed under Chapter 460 of the Wisconsin Statutes. Wis. Stat. § 460.02. The Respondent admitted to previous unlicensed massage therapy work in Wisconsin.

For the purposes of Wis. Stat. §§ 440.21(2) and 227.44(5), no hearing was held because the Respondent admitted to the unlicensed practice and consented to the entry of an order without a hearing. Pursuant to Wis. Admin. Code § SPS 3.10 and Wis. Stat. §§ 227.44(4), (5) and (9), disposition of this case may be made based on Respondent's Answer, admissions, and consent to the entry of an order enjoining her from unlicensed massage therapy work.

Therefore, pursuant to Wis. Stat. § 440.21(2) and Wis. Admin. Code Ch. SPS 3, a special order enjoining Respondent from continuing to practice massage therapy or bodywork therapy until she is properly licensed in the state of Wisconsin is reasonable and warranted.

SPECIAL ORDER FOR ADMINISTRATIVE INJUNCTION


For the reasons set forth above, IT IS ORDERED that Respondent Shulan Luo is hereby enjoined and prohibited from practicing massage therapy or bodywork therapy in the state of Wisconsin until she is properly licensed by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

IT IS FURTHER ORDERED that in the event Respondent violates this Special Order, Respondent may be required to forfeit not more than \$10,000 for each offense, pursuant to Wis. Stat. § 440.21(4). Each day of the continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover such forfeiture.

IT IS FURTHER ORDERED that the terms of the Special Order are effective the date it is signed by the Department.

Dated at Madison, Wisconsin, on January 12, 2022.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor North
Madison, Wisconsin 53705-5400
Tel. (608) 266-7709
Fax (608) 264-9885
Email: angela.chaputfoy@wisconsin.gov

By: 
Angela Chaput Foy
Administrative Law Judge