

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**Before the  
State Of Wisconsin  
Department of Safety and Professional Services**

In the Matter of a Petition for an Administrative  
Injunction Involving Mingrong Shuai,  
Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0007903**

**Division of Legal Services and Compliance Case No. 19 UNL 147**

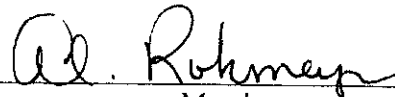
The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

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 17<sup>th</sup> day of March, 2022.



Member

Department of Safety and Professional Services



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

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In the Matter of a Petition for an Administrative  
Injunction Involving Mingrong Shuai,  
Respondent.

DHA Case No. SPS-21-0085  
DLSC Case No. 19 UNL 147

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**PROPOSED DECISION AND ORDER**

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

Mingrong Shuai  
2931 S. Wallace St.  
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**

This proceeding was initiated on November 10, 2021, when the Department of Safety and Professional Services, Division of Legal Services and Compliance (Department), filed a Notice of Hearing and Petition for Administrative Injunction against Mingrong Shuai (Respondent). The Petition alleged that the Respondent 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.

The Department served Respondent on November 10, 2021, by sending a copy of the Notice of Hearing and Petition for Administrative Injunction to Respondent's last known address via certified and regular mail, pursuant to Wis. Admin. Code § SPS 3.07(1). The Department also emailed a copy of the Notice of Hearing and Petition for Administrative Injunction to Respondent's last known email address. The Respondent failed to file an answer as required. Wis. Admin. Code § SPS 3.08(4).

The ALJ scheduled a telephone prehearing conference for December 16, 2021, at 10:00 a.m. Notice of the conference was sent to both parties. The Respondent failed to appear for the prehearing conference.

On December 16, 2021, the Department moved for default based on the Respondent's failure to file an answer and failure to appear at the prehearing telephone conference in this matter, pursuant to Wis. Admin. Code §§ SPS 3.13 and HA 1.07(3)(c).

On December 17, 2021, the ALJ issued a Notice of Default against Respondent and ordered the Department to file a recommended Proposed Decision and Order by January 31, 2022.

### FINDINGS OF FACT

#### Facts as Alleged in Petition for Administrative Injunction

1. Respondent Mingrong Shuai (Year of Birth 1986) is not and has never been licensed to practice massage therapy and bodywork therapy in the state of Wisconsin.
2. Respondent's last known address is 2931 South Wallace Street, Chicago, Illinois 60616.
3. At all times relevant to this proceeding, Respondent was employed at Lotus Spa located in Appleton, Wisconsin (Spa).
4. On November 1, 2019, during an Appleton Police Department investigation, Respondent was found in the Spa with a male client. Respondent did not have a credential to practice massage therapy or bodywork therapy in the state of Wisconsin.
5. On February 2, 2020, Respondent was charged in Outagamie County Case Number 2020CF000176 with one count of keeping a place of prostitution, a class H felony, in violation of Wis. Stat. § 944.34(1). On May 18, 2021, the charge was amended to one count of Prostitution-masturbation, a class A misdemeanor, in violation of Wis. Stat. § 944.30(1m)(d). On September 27, 2021, a bench warrant was issued for Respondent due to her failure to appear in court. The Outagamie County case against Respondent remains pending as of the date of this Proposed Decision and Order.
6. On June 30, 2021, Respondent admitted to a Department investigator that she was not licensed to practice massage therapy or bodywork therapy in the state of Wisconsin while employed at the Spa.

#### Facts Related to Default

7. On November 10, 2021, the Department served the Petition for Administrative Injunction and Notice of Hearing on Respondent at her last known address by both certified and regular mail, pursuant to Wis. Admin. Code § SPS 3.07(1).

8. On November 10, 2021, the Department emailed the Petition for Administrative Injunction and Notice of Hearing to Respondent at her last known email address.

9. The Respondent failed to file an answer to the Petition for Administrative Injunction.

10. After the expiration of the 20-day period to file an Answer, the ALJ scheduled a telephone prehearing conference for December 16, 2021. On November 30, 2021, the ALJ mailed the notice of the prehearing conference to the Respondent at her last known address by regular mail and email, ordering her to contact the ALJ no later than December 15, 2021, to provide her current telephone number.

11. The Respondent failed to contact the ALJ by December 15, 2021.

12. On December 16, 2021, the Respondent failed to appear at the telephone prehearing conference. Neither the Department nor the ALJ had a telephone number with which to contact the Respondent. The ALJ emailed Respondent at the email address provided by the Department. The ALJ waited until 10:20 a.m., but Respondent did not appear or contact the ALJ or the Department.

13. On December 16, 2021, the Department moved for default based on Respondent's failure to file an answer and failure to appear at the December 16, 2021, prehearing conference, pursuant to Wis. Admin. Code §§ SPS 3.13 and HA 1.07(3)(c).

14. On December 17, 2021, the ALJ issued a Notice of Default against Respondent and ordered the Department to file a recommended Proposed Decision and Order by January 31, 2022. On December 17, 2021, the ALJ mailed the notice and order to the Respondent at her last known address by regular mail.

15. The Department timely filed its recommended Proposed Decision and Order.

#### 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, Wis. Stats. 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).

The Division of Hearings and Appeals has authority to issue this proposed decision and order pursuant to Wis. Stat. § 227.43(1m) and Wis. Admin. Code § SPS 3.09.

### Default

The Department properly served the Petition for Administrative Injunction and Notice of Hearing upon Respondent by mailing copies to her at her last known address. Wis. Stat. § 440.11(2). Service by mail is complete upon mailing. Wis. Admin. Code § SPS 3.07(1). “If the Respondent fails to answer as required by s. SPS 3.08 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the department may make findings and enter an order on the basis of the petition and other evidence.” Wis. Admin. Code § SPS 3.13; *see also* Wis. Admin. Code § HA 1.07(3)(b) (“If a respondent fails to appear, the administrative law judge may...take the allegations in an appeal as true as may be appropriate....”).

The Division of Hearings and Appeals properly served the Respondent with its notices pursuant to Wis. Admin. Code § HA 1.03 (The division may serve decisions, orders, notices, and other documents by first class mail).

Here, the Respondent failed to file an answer to the Petition for Administrative Injunction within 20 days from the date of service, in violation of Wis. Admin. Code § SPS 3.08(4). The Respondent also failed to appear and participate in the prehearing telephone conference on December 16, 2021. Therefore, Respondent is in default, and findings and an order may be entered based on the Petition.

### 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 facts as stated in the Petition for Administrative Injunction are undisputed. Respondent was employed at a spa that provided massage therapy to clients and was found by law enforcement in the spa with a male client. Respondent did not, and does not, have a license issued by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

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

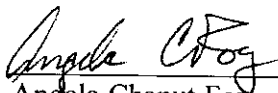
For the reasons set forth above, IT IS ORDERED that Respondent Mingrong Shuai is hereby enjoined and prohibited from practicing massage therapy or bodywork therapy in the state of Wisconsin until she is properly licensed by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

IT IS FURTHER ORDERED that in the event the Respondent violates this Special Order, the 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 February 25, 2022.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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Madison, Wisconsin 53705-5400  
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By:   
Angela Chaput Foy  
Administrative Law Judge