

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

STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHULING ZHAO, L.M.T.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0007989

Division of Legal Services and Compliance Case No. 19 MAB 028

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

Shuling Zhao, L.M.T.
Mount Pleasant, Wisconsin 53406

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 Shuling Zhao, L.M.T., (Year of Birth 1968) is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 11472-146, first issued on December 15, 2011, 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 Mount Pleasant, Wisconsin.

2. At all times relevant to this proceeding, Respondent worked as a massage therapist at a facility, which she owned and operated, located in Fond du Lac, Wisconsin (Facility).

3. On October 13, 2019, a man (Male A) working at the Facility gave a massage to a female client (Client A).

4. On October 15, 2019, Client A reported to the Fond du Lac Police Department that she was sexually assaulted by Male A during the massage, alleging Male A positioned himself so his genital area rubbed against Client A's palm multiple times.

5. On October 19, 2019, the Fond du Lac Police Department conducted an investigation in which a female officer (Officer A) posed as a client. When Officer A entered the Facility, Male A asked if she wanted a massage and directed her to a room. Two female staff members then gave Officer A a massage.

6. On October 22, 2019, two Fond du Lac Police detectives went to the Facility and interviewed Respondent about who worked there. Respondent initially stated she was the only person who worked at the Facility.

7. Respondent later stated sometimes people learning the massage trade worked there. Respondent stated another girl named Lily, who was a "learner," had worked at the Facility the previous weekend, but had since left for Chicago. Respondent stated that Lily was licensed in massage therapy, but Respondent could not provide any related documentation.

8. The detectives told Respondent that Client A had come in recently and a male (Male A) gave her a massage. Respondent stated that Male A was at the Facility for a few days, but had gone to Chicago, and did not know his name or have his phone number. When the detectives pressed for more information, Respondent stated that his name was Mike. Respondent stated that Male A was licensed in massage therapy, but Respondent could not provide any related documentation.

9. On May 11, 2021, in a response to a request from the Department for information regarding the sexual assault allegations, Respondent stated through her attorney that Male A is named Michael and was an independent contractor at the Facility.

10. Respondent stated that she was aware of the sexual assault allegations made against Male A and, once she learned of them, she did not allow him to return to the Facility.

11. Respondent did not report the sexual assault allegations to the Board.

12. Respondent stated Respondent was the only employee at the Facility and denied that any independent contractors other than Male A worked at the Facility at any time.

13. On June 2, 2021, in a second response to the Department, Respondent stated she did not know Male A's last name, contact information, or the dates he worked at the Facility, and she never received any proof of licensure from Male A.

14. 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(2) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent engaged in unprofessional conduct by permitting or assisting any person to perform acts constituting massage therapy or bodywork therapy without sufficient qualifications, necessary credentials, adequate informed consent, or adequate supervision, within the meaning of Wis. Admin. Code § MTBT 5.02(22).

3. Respondent engaged in unprofessional conduct by failing to report to the board any incident in which the licensee has direct knowledge of reasonable cause to suspect that a massage therapist or bodywork therapist has committed any unprofessional, incompetent, or illegal act in violation of state or federal statute, administrative rule, or orders of the board, within the meaning of Wis. Admin. Code § MTBT 5.02(27).

4. Respondent violated Wis. Admin. Code § MTBT 5.03(1) by failing to submit a report to the affiliated credentialing board when she had reasonable cause to believe that another license holder has had sexual contact or sexual intercourse with a client.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g) and (j).

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$2,379.00.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order 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://dspsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license (number 11472-146) or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied

with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. 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

5/31/2022
Date

STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHULING ZHAO, L.M.T.,
RESPONDENT.

STIPULATION

ORDER 0007989

Division of Legal Services and Compliance Case No. 19 MAB 028

Respondent Shuling Zhao, 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. Respondent is represented by Attorney Bret Whipple.


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 or Respondent's attorney, 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.

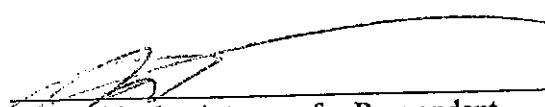
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Shuling Zhao, L.M.T., Respondent
Mount Pleasant, Wisconsin 53406
License No. 11472-146

03-21-22


Date



Bret Whipple, Attorney for Respondent
Justice Law Center
1100 S. 10th Street
Las Vegas, NV 89104

3/21/22

Date



Nicholas Dalla Santa, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/18/22

Date