

## 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 Against Tiffany Ward-Ramirez,  
Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0008068**

**Division of Legal Services and Compliance Case No. 21 UNL 057**

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 5<sup>th</sup> day of August, 2022.

Aloysius Rohmeyer  
Chief Legal Counsel

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 Against Tiffany Ward-Ramirez,  
Respondent

DHA Case No. SPS-22-0032  
DLSC Case No. 21 UNL 057

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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:

Tiffany Ward-Ramirez  
528 S. Hamlin St.  
Shawano, WI 54166

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

Attorney Julie Zimmer  
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 April 28, 2022, when the Department of Safety and Professional Services, Division of Legal Services and Compliance (Department), filed a Petition for an Administrative Injunction against Respondent Tiffany Ward-Ramirez alleging that she provided massage therapy, designated herself as a massage therapist, and/or used or assumed the title “massage therapist” without a license in the state of Wisconsin, in violation of Wis. Stat. § 460.02. Administrative Law Judge Kristin Fredrick (ALJ) was assigned to the matter.

The Department served Respondent on April 28, 2022, by sending a copy of the Petition for an Administrative Injunction (Petition) and a Notice of Hearing via certified mail to her last known address. Respondent signed for and received the Petition and Notice of Hearing on April 30, 2022. However, the Respondent failed to file an Answer to the Petition. The Division of Hearings and Appeals issued a Notice of Telephone Prehearing Conference setting the matter for a prehearing conference on May 31, 2022, and instructed the Respondent to provide a telephone number where she could be contacted for the prehearing.

Respondent not only failed to file an Answer to the Petition, but she failed to contact the ALJ to provide her telephone number, she failed to answer her telephone at the time of the scheduled prehearing, and she did not provide the ALJ with good cause for her failure to answer and/or her failure to appear or be available for the prehearing. The ALJ followed up with an email to the Respondent on May 31, 2022, to which the Respondent did not reply. Based upon the Respondent's failure to answer or appear, the ALJ granted the Department's request that the Respondent be found in default. On June 1, 2022, the ALJ issued a Notice of Default and Order requiring that the Department file a recommended Proposed Decision and Order by June 30, 2022, which the Department timely filed.

### FINDINGS OF FACT

#### Facts from Petition Related to Unlicensed Practice

1. Respondent Tiffany Ward-Ramirez 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 528 S. Hamlin St., Shawano, Wisconsin 54166.

3. On July 20, 2021, the Department received a complaint alleging Respondent was engaged in the unlicensed practice of massage therapy and was holding herself out as a massage therapist.

4. The Department obtained a copy of a business card with Respondent's name, contact information, and the titles Massage Therapist and Reiki Master.

5. The Department viewed and captured a webpage of a chiropractic clinic in Shawano, Wisconsin, on which Respondent is identified as "Future Dr. Tiffany Ward-Ramirez, Massage Therapist" and is pictured standing in front of a massage table.

#### Facts Related to Default

6. On April 28, 2022, the Petition for an Administrative Injunction and Notice of Hearing were served on Respondent at her last known address by both certified and first-class mail. (Affidavit of Service ¶¶ 3(a) and (b)).

7. On April 30, 2022, Respondent signed for and received the Petition for an Administrative Injunction and Notice of Hearing, according to the U.S. Postal Service certified mail receipt returned to the Department. (Affidavit of Service ¶ 5; Ex. 1).

8. Respondent failed to file an Answer to the Petition for an Administrative Injunction.

9. After the expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for May 31, 2022, at 10:00 am. The ALJ sent notice of the conference to Respondent with instructions to provide the ALJ with her current telephone number

no later than May 30, 2022. The notice also stated that if Respondent failed to appear at the scheduled conference, default judgment may be entered against her.

10. Respondent failed to contact the ALJ by May 30, 2022, with her current telephone number.

11. At the prehearing conference on May 31, 2022, the Department provided the ALJ with Respondent's telephone number as stated on her business card. The ALJ called Respondent at that number and left a voicemail instructing Respondent to call the ALJ by 10:25 am or the ALJ would entertain the Department's motion for default. Respondent did not respond.

12. The ALJ sent an email to the Respondent on May 31, 2022 confirming that no answer had been received, that the Respondent had not contacted the ALJ to provide a telephone number where she could be reached, that the ALJ was unable to reach the Respondent for the prehearing, and that the Respondent had not provided a good cause basis for her failure to file an answer or for her failure to be available for the prehearing.

13. On May 31, 2022, the Department moved for default judgment for failure to file an Answer and failure to appear at the prehearing conference, pursuant to Wis. Admin. Code §§ SPS 3.13 and HA 1.07(3)(c).

14. On June 1, 2022, the ALJ issued a Notice of Default and Order finding that the Respondent was in default and requiring that the Department file a recommended Proposed Decision and Order by June 30, 2022.

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

### DISCUSSION

#### 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. Stat. §§ 20.901 and 227.46(1).

#### Default

The Department properly served the Petition for an Administrative Injunction and Notice of Hearing upon Respondent on April 28, 2022, by mailing copies to her at her last known address.

Service by mail is complete upon mailing. Wis. Admin. Code § SPS 3.07(1). Respondent had 20 days from the date of service to file an Answer. Wis. Admin. Code § SPS 3.08(4). Respondent failed to file an Answer to the Petition.

Following the twenty-day answer period, the ALJ scheduled a telephone prehearing conference for May 31, 2022, at 10:00 am. The ALJ sent notice of the telephone conference to Respondent with instructions to provide the ALJ with her current telephone number no later than May 30, 2022. Respondent failed to contact the ALJ by May 30, 2022, with her current telephone number. At the prehearing conference on May 31, 2022, the Department provided the ALJ with Respondent's telephone number as stated on her business card. The ALJ called Respondent at that number and left a voicemail instructing Respondent to call the ALJ by 10:25 am or the ALJ would entertain the Department's motion for default. Respondent did not respond. The ALJ also emailed the Respondent on May 31, 2022 confirming that the Respondent had not provided any good cause basis for her failure to file an answer or for her failure to be available for the prehearing.

"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. . . .").

Wisconsin. Admin. Code § HA 1.07(3)(c) delineates the circumstances which constitute a failure to appear:

For a telephone or video hearing or prehearing, the administrative law judge may find a failure to appear grounds for default if any of the following conditions exist for more than ten minutes after the scheduled time for hearing or prehearing conference: (1) The failure to provide a telephone number to the division after it had been requested; (2) the failure to answer the telephone or videoconference line; (3) the failure to free the line for the proceeding; (4) the failure to be ready to proceed with the hearing or prehearing conference as scheduled.

Respondent violated Wis. Admin. Code § SPS 3.08(4) by failing to file an Answer to the Petition for an Administrative Injunction within 20 days from the date of service. Respondent also failed to provide her current telephone number, as ordered by the ALJ, and failed to appear and participate in the prehearing telephone conference on May 31, 2022. Therefore, Respondent is in default, and findings and an order may be entered on the basis of the Petition.

#### Unlicensed Practice

No person may provide massage therapy, designate herself as a massage therapist, or use or assume the title "massage therapist," or use any other title or designation that represents or may tend to represent that she is licensed under this chapter, unless the person is licensed under Chapter 460 of the Wisconsin Statutes. Wis. Stat. § 460.02.

The facts as stated in the Petition for an Administrative Injunction are undisputed. Specifically, the facts establish that the Respondent engaged in the unlicensed practice of massage therapy and was holding herself out as a massage therapist as evidenced by a copy of a business card with Respondent's name, contact information, and the title Massage Therapist, and further evidenced by a website identifying the Respondent as a massage therapist and picturing her next to a massage table. (Petition ¶¶ 4 and 5) By designating and representing herself to the public as a massage therapist, using or assuming the title "massage therapist", and/or by providing massage therapy without a license issued by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, the Respondent violated Chapter 460 of the Wisconsin Statutes.

Therefore, pursuant to Wis. Stat. § 440.21(2) and Wis. Admin. Code Ch. SPS 3, a special order enjoining Respondent from practicing massage therapy, designating herself as a massage therapist, or using or assuming the title "massage therapist" until she is properly licensed in the state of Wisconsin is reasonable and warranted.

#### CONCLUSIONS OF LAW

1. The Department has the authority to issue a special order enjoining the Respondent from engaging in the unlicensed practice of massage therapy. Wis. Stat. § 440.21(1) and (2).
2. The Department properly served the Respondent with the Notice of Hearing and Petition for Administrative Injunction pursuant to Wis. Admin. Code § SPS 3.07(1).
3. The Respondent defaulted by failing to file an Answer to the Petition under Wis. Admin. Code § SPS 3.08(4).
4. Based upon the uncontested allegations in the Petition, the Department has established that the Respondent provided massage therapy, designated herself as a massage therapist, or used or assumed the title "massage therapist" without a license contrary to Wis. Stat. § 460.02.
5. The Division of Hearings and Appeals has authority to issue this proposed decision and order in accordance with Wis. Stat. §§ 20.901 and 227.46(1) and pursuant to Wis. Admin. Code § SPS 3.09.

#### SPECIAL ORDER FOR ADMINISTRATIVE INJUNCTION

For the reasons set forth above, IT IS ORDERED that Respondent Tiffany Ward-Ramirez is hereby enjoined and prohibited from practicing massage therapy, designating herself as a massage therapist, or using or assuming the title "massage therapist" 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 Respondent shall provide a copy of this Administrative Injunction with any application submitted by Respondent to the Department for a credential issued 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 July 6, 2022.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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By:   
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Kristin P. Fredrick  
Administrative Law Judge