

## 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

NENH HUA CHEN AND YOU QING HE,  
RESPONDENTS.

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ADMINISTRATIVE INJUNCTION

**ORDER 0008332**

Division of Legal Services and Compliance Case No. 22 UNL 091

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

Nenh Hua Chen  
You Qing He  
Janesville, WI 53545

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

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. Nenh Hua Chen and You Qing He (Respondents) leased office space in Middleton, Wisconsin, pursuant to a written lease agreement which provided for the following:

- a. "Permitted use" of premises is "massage services including ancillary functions."
- b. Respondents required to maintain licenses necessary to operate in/on the premises in accordance with the permitted use.

- c. Lease start date of June 1, 2022, and expiration date of May 31, 2027.
- d. Yearly rent of \$25,200.00 payable by Respondents to the landlord.
2. The leased space is advertised as the "Massage Center" (Facility).
3. Wei Ye (Year of Birth: 1982) is not and has never been licensed as a massage therapist or bodywork therapist in the state of Wisconsin.<sup>1</sup> On August 24, 2022, Wei Ye applied for licensure as a massage therapist in Wisconsin. That application remains pending.
4. On September 22, 2022, the Department received a complaint alleging that one or more individuals were practicing massage therapy and bodywork therapy without a credential at the Facility. According to the Wisconsin Department of Financial Institutions Website, Wei Ye is the registered agent for the Facility. The Department opened this matter to investigate.
5. On November 16, 2022, a Division of Legal Services and Compliance (DLSC) investigator performed an unannounced site inspection of the Facility, accompanied by the Middleton Police Department.
6. During the site inspection, Wei Ye identified herself as she was getting ready to perform a massage on a male client. Wei Ye also advised that no one, aside from herself, worked at this location.
7. During the interview, Wei Ye admitted to performing two to five massages a day at the Facility. When asked by the DLSC investigator to produce patient records, Wei Ye was unable to produce patient records, consent forms, or schedules.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).
2. Wisconsin Stat. § 460.02 provides that no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title "massage therapist and bodywork therapist" or "massage therapist" or "bodywork therapist" or "masseur" or "masseuse" or any title that includes "massage therapist," "bodywork therapist," or "bodyworker," or append to the person's name the letters "M.T.," "R.M.T.," "L.M.T.," "C.M.T.," "B.T.," "B.W.," "L.B.W.," "R.B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that he or she is licensed under this chapter, unless the person is licensed under this chapter.
3. Wisconsin Stat. § 460.145 provides that no person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy who is required to be licensed under Wis. Stat. § 460.02 unless the individual is licensed under this chapter.

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<sup>1</sup> Wei Ye has an active license to practice massage therapy or bodywork therapy in the state of Illinois.

4. The conduct described in the findings of fact constitutes the unlicensed practice of massage therapy or bodywork therapy, and/or aiding and abetting the same contrary to Wis. Stat. §§ 460.02 and 460.145.

ORDER

1. The attached stipulation is accepted.
2. Respondents are enjoined and prohibited from employing, contracting and/or engaging the services of an individual for the practice of massage therapy or bodywork therapy in the state of Wisconsin, which individual is not credentialed in Wisconsin to perform such services. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).
3. If the Department determines that there is probable cause to believe that Respondents have violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:

Aloysius Rohmeyer  
Aloysius Rohmeyer, Chief Legal Counsel  
On behalf of the Department

Date

1/12/2023

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

NENH HUA CHEN AND YOU QING HE,  
RESPONDENTS.

STIPULATION

**ORDER 0008332**

Division of Legal Services and Compliance Case No. 22 UNL 091

Nenh Hua Chen and You Qing He (Respondents), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondents agree to the adoption of the attached Administrative Injunction by the 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. Respondents waive 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 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 for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondents are 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. Respondents are further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division joins Respondents in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.

Nenh Hua Chen  
Nenh Hua Chen, Respondent  
Janesville, WI 53545

12-19-2022  
Date

You Qing He  
You Qing He  
Janesville, WI 53545

12-19-2022  
Date

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

12/20/22  
Date