

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 :
 :
 : ADMINISTRATIVE INJUNCTION
LAXIU HONG, :
RESPONDENT. :

ORDER 00087 12

Division of Legal Services and Compliance Case No. 22 UNL 031

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

Laxiu Hong
Madison, WI 53718

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. Laxiu Hong (Respondent), (Year of Birth: 1971) is not and has never been licensed to perform massage therapy and/or bodywork therapy in the state of Wisconsin.
2. Respondent leased office space in Madison, Wisconsin (Facility), pursuant to a written lease agreement which required the following:
 - a. The premises will be used as a “massage studio.”
 - b. If the described use requires a license to perform or provide, it is the sole responsibility of the tenant to maintain a current license.

- c. All persons providing massage therapy services at this location must have a current license to do so.
 - d. Lease start date is February 15, 2023, and expires on April 30, 2024.
 - e. Monthly rent of \$2,363.57 is payable by Respondent to the landlord.
3. The leased space is advertised as “Asian Body Massage.”
4. On May 9, 2022, the Department received a complaint alleging that one or more individuals were practicing massage therapy and/or bodywork therapy without a credential at the Facility. The Department opened this matter to investigate.
5. On March 20, 2023, Respondent was interviewed by Division of Legal Services and Compliance (DLSC) personnel. During the interview, Respondent admitted that she was also the named tenant on a lease for a massage therapy business located at 1264 Main Street, Sun Prairie, Wisconsin. Respondent further stated that she does not know the names of the individuals who perform massage therapy at her businesses and that she does not know if such individuals have a license to practice massage therapy and/or bodywork therapy in Wisconsin.
6. On April 6, 2023, a DLSC investigator performed an unannounced site inspection of the Facility, accompanied by the Madison Police Department. One of the rooms contained a bed, clothing, and personal items.
7. During the inspection, the only person present at the Facility identified herself as Xiangluan Zou¹ and admitted to performing massage therapy at the Facility. Ms. Zou confirmed another individual performed massage therapy at the Facility, but she did not know her name. When asked to produce patient records, Ms. Zou confirmed that they did not maintain patient records.
8. During the investigation of this matter, information was received from the Monona Police Department that Respondent performed massage therapy at her daughter’s business called “Sunny Massage” located in Monona, Wisconsin, on multiple occasions in 2021.

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

¹ Xiangluan Zou has an active massage therapy and bodywork therapy license.

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.

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. Stats. §§ 460.02 and 460.145.

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a massage therapist and/or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Therapy Examining Board, Respondent is enjoined and prohibited from the practice of massage therapy and/or bodywork therapy in the state of Wisconsin. 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. Respondent is 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).

4. If the Department determines that there is probable cause to believe that Respondent has 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

19 August 2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

LAXIU HONG,
RESPONDENT.

:
:
:
:

STIPULATION

ORDER 00087 12

Division of Legal Services and Compliance Case No. 22 UNL 031

Laxiu Hong (Respondent), 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. 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 Peyton Engel.

4. Respondent agrees 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. Respondent waives 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. Respondent is 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. Respondent is 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 Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.


Laxiu Hong, Respondent
Madison, WI 53718

7/11/2023
Date


Peyton B. Engel, Attorney for Respondent
Hurley Burish, S.C.
33 E. Main St., Ste. 400
P.O. Box 1528
Madison, WI 53701

7/12/2023
Date


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

7/12/23
Date