

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF	:	
	:	
	:	ADMINISTRATIVE INJUNCTION
JOSIAH L. GROTH,	:	
RESPONDENT.	:	
	:	<b>ORDER 0008785</b>

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Division of Legal Services and Compliance Case No. 22 UNL 082

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

Josiah L. Groth  
Marshfield, WI 54449-9216

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 Special Order.

FINDINGS OF FACT

1. Respondent Josiah L. Groth (Year of Birth: 1979) was previously licensed in the state of Wisconsin as a massage therapist and bodywork therapist, with license number 2330-146, first granted on December 16, 2010. On May 31, 2022, Respondent voluntarily and permanently surrendered his license to practice massage therapy and bodywork therapy.<sup>1</sup>

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<sup>1</sup> See Order No. 0007990 issued by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

2. On August 23, 2022, the Department received a complaint alleging misconduct by Respondent during a massage he provided to a client on August 8, 2022. This case was opened to investigate unlicensed practice.

3. During the Department's investigation, Respondent admitted he provided massage therapy and bodywork therapy to two clients after he had voluntarily and permanently surrendered his license to practice massage therapy and bodywork therapy on May 31, 2022.

4. Respondent stated that he provided massages despite being unlicensed in order to honor financial discount contracts that went through September 1, 2022. Respondent denies any misconduct during the aforementioned appointments including on August 8, 2022.

5. Respondent agrees to resolve this matter with the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Stat. § 440.21 and Wis. Admin. Code ch. SPS 3 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5) and Wis. Admin. Code § SPS 3.11.

2. Pursuant to Wis. Stat. § 460.02, 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. The conduct described in the Findings of Fact constitutes the unlicensed practice of massage therapy or bodywork therapy, contrary to Wis. Stat. § 460.02.

#### SPECIAL ORDER

1. The attached Stipulation is accepted.

2. Respondent is permanently enjoined and prohibited from providing massage therapy or bodywork therapy, designating himself as a massage therapist or bodywork therapist or masseur or masseuse, or using or assuming 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 appending to his 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 is licensed under Wis. Stat. ch. 460.

3. 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 to any appropriate prosecutorial unit for review for possible criminal charges.

4. Violation of this Special Order may result in a forfeiture of up to \$10,000 for each day of violation, pursuant to Wis. Stat. § 440.21(4)(a).

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

September 20, 2023  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF  
  
JOSIAH L. GROTH,  
RESPONDENT.

:  
:  
:  
:

STIPULATION  
  
**ORDER 0008785**

Division of Legal Services and Compliance Case No. 22 UNL 082

Respondent Josiah L. Groth 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.

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

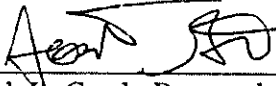
Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

  
\_\_\_\_\_  
Josiah N. Groth, Respondent  
Marshfield, WI 54449-9216

9/8/23  
Date

  
\_\_\_\_\_  
Carley Peich Kiesling, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/12/2023  
Date