

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
AUTUMN R. LEIBBRANDT, :  
RESPONDENT. :

0004774

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Division of Legal Services and Compliance Case No. 14 BAC 071

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

Autumn R. Leibbrandt  
679 Cardinal Way  
Sun Prairie, WI 53590-4404

Wisconsin Cosmetology Examining 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 Cosmetology Examining 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 Autumn R. Leibbrandt (DOB 01/11/1976) is licensed by the State of Wisconsin as a manicurist, having license number 4987-85, first issued on September 19, 2002 and current through March 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 679 Cardinal Way, Sun Prairie, Wisconsin 53590-4404.

2. Respondent co-owns an establishment named Nailphoria LLC.

3. On November 26, 2014, a Department investigator made an unannounced visit to Nailphoria LLC in response to a complaint alleging unlicensed practice.

4. During the visit, the Department investigator received a business card which indicated that Respondent provided manicuring and aesthetics at Nailphoria LLC.

5. On November 26, 2014, Nailphoria LLC was not a licensed manicuring or aesthetics establishment in the state of Wisconsin.

6. In addition to manicuring, Respondent advertises she provides waxing services and make-up application for compensation on the Nailphoria LLC website.

7. Nailphoria LLC customer reviews from 2012 to the present indicate Respondent has personally provided waxing services along with manicuring.

8. Respondent does not hold a cosmetologist or aesthetician license in the state of Wisconsin.

9. Respondent employed J.K. to provide manicuring and lash styling at Nailphoria LLC from approximately January 2014 through October 2014.

10. J.K. has never held a cosmetologist or manicuring license in the state of Wisconsin.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code § Cos 3.01(1) by providing aesthetics and manicuring outside a licensed establishment.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.04(1)(b) and Wis. Admin. Code § Cos 2.04(1) by participating in the unlicensed practice of aesthetics.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 2.04(1) by assisting in the unlicensed practice of manicuring.

5. As a result of the above violations, Autumn R. Leibbrandt is subject to discipline pursuant to Wis. Stat. § 454.15.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Autumn R. Leibbrandt is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1,000 and COSTS of this matter in the amount of \$382.

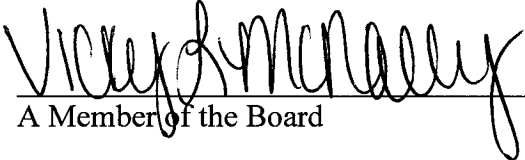
4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 4987-85), 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 payment of the forfeiture and costs.

7. This Order is effective on the date of its signing.

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:   
A Member of the Board

6/23/2016  
Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
AUTUMN R. LEIBBRANDT, :  
RESPONDENT. : 0004774

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Division of Legal Services and Compliance Case No. 14 BAC 071

Respondent Autumn R. Leibbrandt 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.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Cosmetology Examining 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, 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.

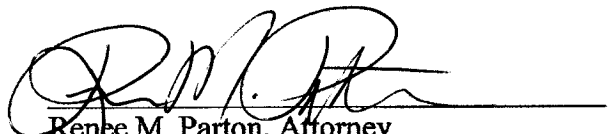
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Autumn R. Leibbrandt, Respondent  
679 Cardinal Way  
Sun Prairie, WI 53590-4404  
License no. 4987-85

5-14-16  
Date



Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/18/2016  
Date