

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JEFFREY A. LABUDDE, :
RESPONDENT. :

0004815

Division of Legal Services and Compliance Case No. 15 MAB 006

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

Jeffrey A. LaBudde
4918 S. 11th Street
Sheboygan, WI 53081

Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing 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 Massage Therapy and Bodywork Therapy Affiliated Credentialing 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 Jeffrey A. LaBudde (DOB November 8, 1966) is licensed in the state of Wisconsin as a massage therapist and bodywork therapist, having license number 11839-146, first issued on June 14, 2012, and EXPIRED on December 14, 2012, with appurtenant right to renew. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4918 S. 11th Street, Sheboygan, Wisconsin 53081. However, upon information and belief, Respondent currently resides at 611 Superior Ave., Sheboygan, Wisconsin 53081.

2. The Department opened the investigation of this matter based on allegations that Respondent was providing massage therapy without a valid license under the name "Healing Arts Massage, LLC" (Healing Arts).

3. Healing Arts was first registered as a business on June 28, 2012, and was administratively dissolved on June 9, 2015.

4. Healing Arts operated out of a chiropractic office, Saatkamp Healing Arts (Saatkamp).¹ As recently as April 20, 2015, a website associated with Saatkamp featured the following language:

Healing Arts is happy to be able to deliver Massage Therapy for your sore muscles, aching joints and tired nervous system. Our Massage Therapy is delivered by Jeff LaBudde. Jeff is a graduate of Plymouth High School and Blue Sky School of Massage in Grafton, Wisconsin.

5. Respondent maintained Facebook pages for himself, personally, and for Healing Arts. Respondent's personal Facebook page states "Healing Arts Massage LLC Jeff LaBudde" and contains numerous posts relating to massage therapy, all from the time period after Respondent's license expired. The Healing Arts Facebook page is devoted entirely to massage therapy, with posts starting in August 2013 through as recent as August 2015.

6. The Department sent Respondent two letters requesting a response to the allegations of unlicensed practice of massage therapy. The first was sent on May 19, 2015, to Respondent's address of record with the Department, and the second on May 29, 2015, to the address listed in an April 2015 post on the Healing Arts Facebook page. Respondent failed to reply to either letter, but ultimately contacted the Department in January 2016.

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

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.14, 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 Jeffrey A. LaBudde violated Wis. Stat. § 460.02 by designating himself as a massage therapist or bodyworker, or using or assuming the title "massage therapist and bodyworker" or "massage therapist" or "bodyworker" or any title that includes "massage therapist" or "bodyworker," . . . without being licensed under Wis. Stat. ch. 460.

3. By the conduct described in the Findings of Fact, Respondent Jeffrey A. LaBudde engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(19) by failing to cooperate in a timely manner with the board's investigation of complaints filed against him.

¹ A complaint against the chiropractor associated with Saatkamp was referred to the Chiropractic Examining Board.

4. As a result of the above violations, Respondent Jeffrey A. LaBudde is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jeffrey A. LaBudde is REPRIMANDED.

3. Unless and until Respondent Jeffrey A. LaBudde is properly licensed to practice massage therapy and bodywork therapy, he is enjoined and prohibited from the practice of massage therapy and bodywork therapy in the state of Wisconsin.

4. The right to renew the expired massage therapist and bodywork therapist license issued to Respondent Jeffrey A. LaBudde (license number 11839-146) is SUSPENDED until he completes the following:

- a. Within nine (9) months of the date of this Order, Respondent shall successfully complete six (6) credits of continuing education on the legal and ethical practice of massage therapy.
- b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, or its designee, prior to commencement of the course(s).
- c. The Board or its designee may reject any course and may accept a course for less than the number of hours for which Respondent seeks approval.
- d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
- e. Respondent is responsible for all costs associated with compliance with this educational requirement.
- f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

5. Within ninety (90) days from the date of this Order, Respondent Jeffrey A. LaBudde shall pay COSTS of this matter in the amount of \$415.00.

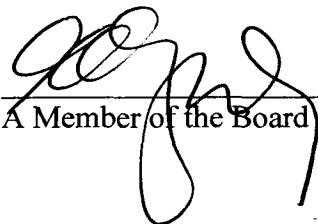
6. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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
DPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's right to renew his license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

by: 
A Member of the Board

July 19, 2016
Date

STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND BODYWORK
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JEFFREY A. LABUDDE,	:	
RESPONDENT.	:	

0004815

Division of Legal Services and Compliance Case No. 15 MAB 006

Respondent Jeffrey A. LaBudde 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.

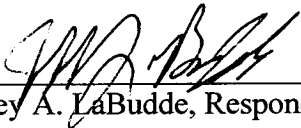
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance 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.

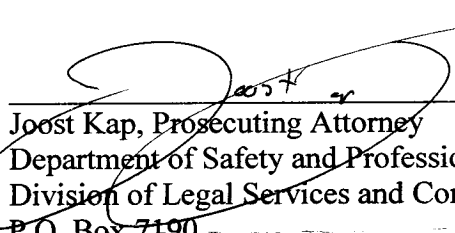
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jeffrey A. LaBudde, Respondent
611 Superior Ave.
Sheboygan, WI 53081
License no. 11839-146

23 Feb 16

Date



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

2/29/16

Date