

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

WARD A. PFUNDTNER. :
d/b/a/ WARDS BARBER SHOP, :
RESPONDENT. :

FINAL DECISION AND ORDER
95 BAC 156

LS9708044-BAC ✓

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Ward A. Pfundtner
8713 W. Lawn Ave.
Milwaukee, WI 53225

Barbering and Cosmetology Examining Board
Bureau of Business and Design Professions
Post Office Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Ward A. Pfundtner (DOB 09/27/35), 8713 W. Lawn Ave., Milwaukee, WI 53225, is duly licensed in the State of Wisconsin as a barbering and cosmetology manager, license # 20077. This license was granted on December 13, 1992.
2. Wards Barber Shop, 815 N. Grandview Blvd., Waukesha, WI 53188 is duly licensed in the State of Wisconsin as a barbering and cosmetology establishment, license # 23030. This establishment license was granted on October 15, 1993.

3 During an inspection of the establishment on April 18, 1996, Mr. Pfundtner was observed to cut customers hair without cleaning and disinfecting the comb or the cutting instruments involved in the services.

4 At the time of the inspection referred to in ¶3, above, Mr. Pfundtner was the sole owner of Wards Barber Shop. As owner, Mr. Pfundtner was and is responsible for compliance with licensure laws and regulations concerning the operation of his establishment.

5. In resolution of this matter, Mr. Pfundtner consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Ward A. Pfundtner, by the conduct referred to in ¶¶2 through 4, above, has violated § BC 4.02 (2) and BC 4.02(3), Wis. Admin. Code, sanitation.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Ward A. Pfundtner shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100 00). Payment shall be submitted no later than sixty (60) days from the date of this order.

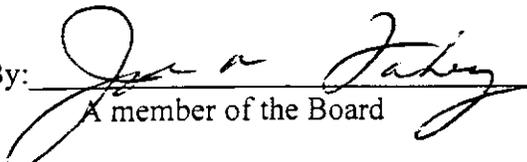
Payment shall be by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Wisconsin Department of Regulation and Licensing
Attn: Michelle Neverman, Department Monitor
P.O. Box 8935
Madison, WI 53708

IT IS FURTHER ORDERED that in the event Respondent Ward A. Pfundtner fails to timely submit payment of the forfeiture as set forth above, his manager license and the establishment license of Wards Barber Shop, 815 N. Grandview Blvd., Waukesha, WI 53188 SHALL BE SUSPENDED, without further notice or hearing, until Mr. Pfundtner has complied with the terms of this order.

This order shall become effective upon the date of its signing

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: 
A member of the Board

8/4/97
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WARD A. PFUNDTNER,
d/b/a/ WARDS BARBER SHOP
RESPONDENT

STIPULATION
95 BAC 156

It is hereby stipulated between Ward A. Pfundtner, personally on his own behalf and on behalf of Wards Barber Shop; and Henry E. Sanders, Attorney for the Department of Regulation and Licensing, Division of Enforcement. as follows that:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (95 BAC 156). Mr. Pfundtner consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Pfundtner understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Mr. Pfundtner is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.

4. Mr. Pfundtner agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining 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 attached 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 be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree to contend that the Board had not 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 Division of Enforcement and the member of the Barbering and Cosmetology Board assigned as advisor in

this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the Stipulation.

7 The Division of Enforcement joins Mr. Pfundtner in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Ward A Pfundtner
Ward A Pfundtner Respondent

June 17, 1997
Date

Wards Barber Shop, Respondent
by Ward A Pfundtner

June 17 1997
Date

Henry E. Sanders
Henry E. Sanders, Attorney
Division of Enforcement

6/19/97
Date

Department of Regulation & Licensing

State of Wisconsin

P O Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On August 4, 1997, the Barbering and Cosmetology Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$100.00 Case # LS9708044BAC

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: October 3, 1997

NAME: Ward A. Pfundtner, dba Wards Barber Shop LICENSE NUMBER: 20077

STREET ADDRESS: 8713 West Lawn Avenue

CITY: Milwaukee STATE: WI ZIP CODE: 53225

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receiving Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
G \BDLS\FM2145 DOC

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NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

August 7, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)