

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

CAROLYN J. SPINSKY.  
D/B/A NAIL GALLERIA.  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
: 97 BAC 065

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LS98060127BAC

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Carolyn J. Spinsky  
Nail Galleria  
N88 W15489 Main St.  
Menomonee Falls, WI 53051

Barbering and Cosmetology Examining Board  
P.O. 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. Carolyn J. Spinsky (DOB 02-16-54) is duly licensed in the state of Wisconsin as a manicurist (license #2874). This license was first granted on March 31, 1997.

2. Nail Galleria, N88 W15489 Main St., Menomonee Falls, WI 53051, is duly licensed as a manicurist establishment in the state of Wisconsin (license #978). This license was first granted on August 5, 1997. Carolyn J. Spinsky is listed with the Department of Regulation and Licensing as the owner of Nail Galleria. As owner, Ms. Spinsky was and is at all times relevant

to this action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

3. On exact dates unknown, but beginning at least in April 23, 1997 and continuing on through at least August 4, 1997, Nail Galleria was operating as a manicuring establishment. At no time relevant to this action was Nail Galleria licensed as a Wisconsin manicurist establishment.

4. In resolution of this matter, Ms Spinsky, d/b/a Nail Galleria, consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

By the conduct referred to in ¶ 3, above, Carolyn J. Spinsky, d/b/a Nail Galleria, violated secs. 454.08(1)(b) and 454.15(2)(i), Stats. and Wis Admin. Code §§ BC 2.03(6), BC 2.04 and BC 3.03(5).

### ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Carolyn J. Spinsky, d/b/a Nail Galleria, shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100.00). Payment shall be submitted within thirty (30) days from the date of this order. Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

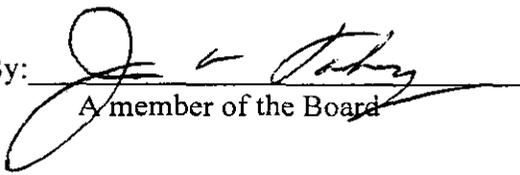
Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

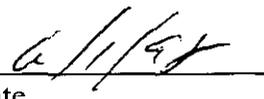
**IT IS FURTHER ORDERED** that in the event Respondent fails to timely submit payment of the forfeiture as set forth above, the establishment license of Nail Galleria (#978) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:

  
A member of the Board

  
Date



6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an 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 Ms. Spinsky in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Carolyn J. Spinsky      April 29, 1998  
Carolyn J. Spinsky      Date  
d/b/a Nail Galleria

Steven M. Gloe      5.4.98  
Steven M. Gloe, Attorney      Date  
Division of Enforcement

# 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 June 1, 1998, 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 # LS98060127BAC

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

The costs and/or forfeitures are due: July 1, 1998

NAME: Carolyn J. Spinsky LICENSE NUMBER: 2874

STREET ADDRESS: N88 W15489 Main Street

CITY: Menomonee Falls STATE: WI ZIP CODE: 53051

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:

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 \BDLSFM2145.DOC

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STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Carolyn J. Spinsky,  
/b/a Nail Galleria,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On June 5, 1998, I served the Final Decision and Order dated June 1, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS98060127BAC, upon the Respondent Carolyn J. Spinsky, d/b/a Nail Galleria, by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 956.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Carolyn J. Spinsky  
d/b/a Nail Galleria  
N88W15489 Main Street  
Menomonee Falls WI 53051



Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 5<sup>th</sup> day of June, 1998.

  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: CAROLYN J SPINSKY, d/b/a NAIL GALLERIA

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 6/5/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### 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 53708-8935