

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBER AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
DOUGLAS C. SCHEFFLER, : LS0503073BAC
RESPONDENT. :

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

Douglas C. Scheffler
720 W. 3rd Street
Appleton, WI 54914

Division of Enforcement
Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Barber and Cosmetology Examining Board
Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Wisconsin Barber and Cosmetology Examining Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Douglas C. Scheffler (Respondent), date of birth August 21, 1965, is duly licensed as a barber and cosmetology manager in the state of Wisconsin (license #81-25677). This license was first granted on May 19, 1994.
2. Respondent's most recent address on file with the Board is 720 W. 3rd Street, Appleton, WI 54914.
3. Salon Aura, 259 South Nicolet Road, Appleton, WI, 54914, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #80-26340). This license was first granted on April 10, 1997.
4. Respondent is listed with the Wisconsin Department of Regulation and Licensing as the manager of Salon Aura, and was manager of Salon Aura during all relevant times listed in this Order. As manager, Respondent was and is responsible for compliance with Wis. Stat. ch. 454 and Wisconsin Admin. Code chs. BC 2, 3, and 4.
5. Beginning no later than January 2, 2004, Respondent managed Jose Reyes, Jr. (Reyes), at Salon Aura and allowed Reyes to conduct activities requiring a barber and cosmetology license. Reyes did not have a license at that time, and

did not receive his temporary permit for such activities until January 19, 2004.

6. Respondent has previously been disciplined by the Board for allowing unlicensed employees of Salon Aura to provide services otherwise requiring a Board license (LS0308043BAC). The effective date of that discipline was less than five months prior to the date of the subject offense, and Respondent was still paying off the forfeiture from that case when the violation in this case occurred.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 454.15(2) and (3) and is authorized to enter into the attached Stipulation and this Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 and 5, above, violated Wis. Stat. § 454.15(2)(i) and Wis. Admin. Code §§ BC 2.04(1) and 2.07(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Douglas C. Scheffler to practice barber and cosmetology management in the State of Wisconsin (#81-25677) is hereby SUSPENDED FOR 10 DAYS, beginning the 14th day after the date of this Order.

2. Respondent shall, within 90 days from the date of this Order, pay to the Department of Regulation and Licensing a FORFEITURE OF ONE THOUSAND DOLLARS (\$1,000.00) and COSTS OF FIVE HUNDRED AND SIXTY-ONE DOLLARS AND 90 CENTS (\$561.90) in a single payment of ONE THOUSAND FIVE HUNDRED AND SIXTY-ONE DOLLARS AND 90 CENTS (\$1,561.90). Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. 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 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. In the event Respondent fails to timely submit any payment of the forfeiture or costs as set forth above the Respondent's license (#81-25677) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

BARBER AND COSMETOLOGY EXAMINING BOARD

A Member of the Board

Date