

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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she must first obtain an aesthetician and/or barbering and cosmetology license.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 440.21.
2. The Department of Regulation and Licensing is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 227.44(5).
3. By the conduct referred to in the above Findings of Fact, Mindy Paley has violated:
 1. Wis. Stat. Sec. 454.04(1)(a). No person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current aesthetician license, barber or cosmetologist license, manager license, temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in an aesthetics or barbering or cosmetology course of instruction.
 2. Wis. Stat. Sec. 454.04(1)(b). No person may engage in aesthetics unless the person has received training in the areas of service provided and holds a current aesthetician license, barber or cosmetologist license, manager license, temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in an aesthetics or barbering or cosmetology course of instruction.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Mindy Paley, is ENJOINED and PROHIBITED as follows:

1. MINDY PALEY SHALL NOT PRACTICE OR OFFER TO PRACTICE BARBERING OR COSMETOLOGY OR AESTHETICS UNTIL SHE FIRST OBTAINS A BARBERING OR COSMETOLOGY AND/OR AN AESTHETICIANS LICENSE.
2. Violation of the Order described in Paragraph One (1) above may result in a forfeiture of up to \$10,000.00 (TEN THOUSAND DOLLARS) for each offense, and each day of a continued violation constitutes a separate offense. Violation of the Order described in Paragraph One (1) above may also result in a referral to the office of the local District Attorney or to the Attorney General for further action.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Secretary Celia Jackson

8/14/06

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION
AND LICENSING

IN THE MATTER OF THE ALLEGED
UNLICENSED PRACTICE BY

STIPULATION

MINDY PALEY,
RESPONDENT.

LS #06 _____ UNL

Division of Enforcement Case File Number: 06 UNL 012

It is hereby stipulated between Mindy Paley and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation (06 UNL 012) by the Division of Enforcement of Ms. Paley's unlicensed practice. Ms. Paley consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Paley understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Paley has been provided an opportunity to obtain legal counsel prior to signing this stipulation.

4. Ms. Paley agrees to the adoption of the attached Final Decision and Special Order of Injunction by the Department of Regulation and Licensing (hereafter "Department"). The parties to the Stipulation consent to the entry of the attached Final Decision and Special Order of Injunction without further notice, pleading, appearance or consent of the parties. Ms. Paley waives all rights to any appeal of the attached Final Decision and Special Order of Injunction, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 Enforcement may appear before the Department in open or closed session, without the presence of the Ms. Paley or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with the Department's deliberations on the Stipulation.

7. Ms Paley is informed that should the Department adopt this stipulation, the Department's Final Decision and Special Order of Injunction is a public record and will be published in accordance with standard Department policy.

8. The Division of Enforcement joins Mindy Paley in recommending the Department adopt this Stipulation and issue the attached Final Decision and Special Order of Injunction.

Mindy Paley

Respondent

11014 North Port Washington Road

Mequon, Wisconsin 53092

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date