

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JULYE C. NASH,
RESPONDENT.

FINAL DECISION AND ORDER
LS0702056BAC

Division of Enforcement Case File Number 06 BAC 004

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

Julye C. Nash
4121 North 20th Street
Milwaukee, Wisconsin 53209

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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 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. Julye C. Nash (Date of Birth is July 18, 1981) is duly licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license #82-82441). This license was first granted on September 25, 2003, and is current through June 30, 2007. The last address Ms. Nash reported to the Department of Regulation and Licensing is 4121 North 20th Street, Milwaukee, Wisconsin 53209.

2. From January 2003, through March 2003, Ms. Nash was employed as a resident assistant at Hampton House, a state licensed Community Based Residential Facility, located at 4755 North 30th Street, Milwaukee, Wisconsin 53216. One of Ms. Nash's responsibilities at Hampton House was assisting the residents with personal care.

3. From January 2003, through March 2003, Ms. Nash performed barbering or cosmetology services on three residents of Hampton House. Ms. Nash received monetary reimbursement for performing the barbering or cosmetology services at Hampton House. Ms. Nash did not possess a barbering or cosmetology practitioner license in the state of

Wisconsin at the time of providing the barbering or cosmetology services. At no time was Hampton House licensed by the state of Wisconsin as a barbering or cosmetology establishment.

4. In resolution of this matter, Julye C. Nash consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 454.15.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. sec. 227.44(5).
3. By conduct referred to in Paragraph 2 of the Findings of Fact, Julye C. Nash violated:
 1. Wis. Stat. sec. 454.04(1)(a). Except as permitted under pars. (b) and (d), no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license or a temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.
 2. Wis. Stat. sec. 454.15(2)(i). Any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
 3. Wis. Admin. Code § BC 3.01(1). Barbering and cosmetology, aesthetics, electrology and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. BC 2.045.

ORDER

NOW, THEREFORE, Julye C. Nash (license #82-82441) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that Julye C. Nash shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100.00) and full costs in the amount of ONE HUNDRED THIRTY dollars (\$130.00) in this matter.

Payment shall be submitted within 90 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
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event that Julye C. Nash fails to comply with all the terms of the Order as set forth above, the barbering or cosmetology practitioner license of Julye C. Nash (#82-82441) **SHALL BE SUSPENDED**, without further notice or hearing, until Julye C. Nash has complied with all the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

2/5/07
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JULYE C. NASH,
RESPONDENT.

STIPULATION

LS# _____

Division of Enforcement Case File Number 06 BAC 004

It is hereby stipulated between Julye C. Nash and John C. Temby, 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 by the Division of Enforcement (06 BAC 004). Ms. Nash consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Nash 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; 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. Nash is aware of her right to seek legal representation and have been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Nash agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (hereinafter 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. Ms. Nash 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 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 Enforcement 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 Ms. Nash or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Ms. Nash 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 policy.

8. The Division of Enforcement joins Julye C. Nash in recommending the Board adopt this Stipulation and issue the

attached Final Decision and Order.

Julye C. Nash

Respondent

4121 North 20th Street

Milwaukee, Wisconsin 53209

License Number 82-82441

Date

John C. Temby

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date