

# 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** :  
 : **FINAL DECISION AND ORDER**  
**DAWN M. GAY.** :  
**PANACHE SALON.** : **LS0709103BAC**  
**RESPONDENTS.** :

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Division of Enforcement Case File #: **07 BAC 001**

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

Dawn M. Gay  
8428 State Highway 178  
Chippewa Falls, WI 54729

Panache Salon  
8428 State Highway 178  
Chippewa Falls, WI 54729

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53707-8935

Department of Regulation and Licensing  
Division of Enforcement  
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 disposition 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. Dawn M. Gay, d/o/b: 03/23/70, is duly licensed as a barbering and cosmetology practitioner in the state of Wisconsin having license #082-70253. This license was first granted on 07/06/90.
2. Ms. Gay's last known reported business address on file with the Department of Regulation and Licensing ("Department") is: 8428 State Highway 178, Chippewa, Falls, WI 54729.

3. Panache Salon, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin having license #080-34830. This license was first granted on 04/10/07.

4. Ms. Gay is listed as a co-owner of Panache Salon. At all times relevant to the facts stated below, Ms. Gay is responsible for compliance with chapter 454 of the Wisconsin Statutes and chapters BC 2 and 3 of the Wisconsin Administrative Code.

5. On or about January 9, 2007, the Department received a complaint alleging Ms. Gay had recently taken over ownership of Panache Salon and had not received a new establishment license. The matter was subsequently opened for investigation.

6. On or about March 23, 2007, an inspection of Panache Salon was conducted by a Department investigator. The inspection revealed that a change in ownership application had not been submitted for Ms. Gay's booth rental at Panache Salon. On or about April 10, 2007, Ms. Gay's booth rental for Panache Salon was granted a new establishment license (#80-34830).

7. The Department's investigation further revealed that Ms. Gay had been operating a booth rental without obtaining a full-time barbering and cosmetology manager.

8. The Department's investigation also revealed the following sanitation violations:

Cost of Services were not posted at the time of the inspection;

Brush implements contained large amounts of left over hair from previous customers; and

Barbicide was not being changed on a daily basis

9. In resolution of this matter, Dawn M. Gay and Panache Salon consent 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, and the Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. Sec. 227.44(5).

2. By the conduct referred to in the above Findings of Fact, Dawn M. Gay and Panache Salon have violated:

- a. Wis. Stat. §§ 454.08(1)(b); 454.08(6) and Wis. Admin. Code §§ BC 2.045(1) and 3.02(1)(2) by operating a booth rental without first maintaining a manager and establishment license; and
- b. Wis. Admin. Code § 3.01(1) by failing to maintain Panache Salon in a clean, safe, and sanitary condition.

### **ORDER**

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay a FORFEITURE of ONE THOUSAND ONE HUNDRED dollars (\$1,100.00).

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay COSTS in this matter in the amount of FIVE HUNDRED dollars (\$500.00).

IT IS FURTHER ORDERED, that a down payment of **FOUR HUNDRED DOLLARS (\$400.00)** shall be submitted within thirty (30) days from the date of this order and three more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be due every sixty (60) days from the previous payment until the full **ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00)**, is paid.

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  
Telephone 608-261-7904  
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that Dawn M. Gay and Panache Salon fail to timely submit payment of the forfeiture and costs as set forth above, Dawn M. Gay, barbering and cosmetology practitioner's license #082 0070253 and Panache Salon's barbering and cosmetology establishment license #080 0034830 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 07 BAC 001 be, and hereby is, closed as to all Respondents.

Dated this 10<sup>th</sup> day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush