

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
GAIL J. GRIDER, :
RESPONDENT. : LS08110310BAC

Division of Enforcement Case No. 04 BAC 097

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

Gail J. Grider
3113 North Dousman Street
Milwaukee, WI 53212

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. Respondent **Gail J. Grider** is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-25868. This license was first granted to her on 10/20/94 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Grider is 3113 North Dousman Street, Milwaukee, WI 53212.

2. A complaint was received by the Department alleging that several individuals with barbering and cosmetology practitioner licenses were renting chairs at East Town Spa Inc. without having separate manager licenses and separate establishment licenses.

3. East Town Spa Inc. is a licensed barbering and cosmetology establishment located at 718 E. Wells Street, Milwaukee, WI 53202.

4. Pursuant to Wis. Admin. Code § BC 3.02(2), the owner of a barbering and cosmetology establishment may lease a chair to a licensed individual as long as there is a written lease agreement and the lessee holds a manager's license and an establishment license. This rule has been in effect since October 1, 2003, with a 1-year grace period for getting into compliance for any person renting a chair prior to the October 1, 2003 effective date.

5. Wis. Admin. Code § BC 3.02(2) requires, in part, that “the lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board.”

6. On September 20, 2006, two investigators from the Department of Regulation and Licensing performed an unannounced inspection at East Town Spa Inc. Ms. Grider was not present at the time of the inspection.

7. Follow-up investigation revealed that Ms. Grider rented a chair from the owner of East Town Spa Inc. from July 2005 to October 2006, without holding a separate establishment license for her chair rental at that location.

8. Ms. Grider held an establishment license during the time she rented a chair from East Town Spa Inc. for Salon Du Monde, but the establishment license for Salon Du Monde was for an establishment located at 1437 E. Brady Street, Milwaukee, WI 53202 that Ms. Grider had owned and operated before she began renting a chair from East Town Spa Inc. Ms. Grider made the mistake of failing to apply for a new, separate establishment license for her chair rental at the East Town Spa Inc. location, and mistakenly believed that her establishment license for Salon Du Monde was adequate for her chair rental.

9. Pursuant to Wis. Admin. Code § BC 3.06(2), change of location of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent **Gail J. Grider** has violated Wis. Stat. § 454.08(1)(b), Wis. Admin. Code §§ BC 3.02(2)(b), and 3.06(2) by renting a chair from the owner of East Town Spa Inc. without having the required separate establishment license for that location. As a result, Ms. Grider is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Gail J. Grider** (license # 81-25868) be, and hereby is, REPRIMANDED.

2. **Gail J. Grider** shall, within 90 days of the date of this Order, pay **COSTS** in the amount of **TWO HUNDRED DOLLARS (\$ 200.00)**.

3. Payment of the costs 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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. 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 Ms. Grider'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 Ms. Grider fails to timely submit payment as ordered, then her license (# 81-25868) SHALL BE SUSPENDED without further notice or hearing until Ms. Grider has complied with the terms of this Order.

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

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush