

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
RYAN P. WISTEIN,	:	Case # LS 0708072 BAC
RESPONDENT.	:	

Division of Enforcement Case # 06 BAC 033

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

Ryan P. Wistein  
728 Jefferson Street  
Wausau, Wisconsin 54401

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

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

**PROCEDURAL HISTORY**

The Division of Enforcement filed a formal complaint in this matter on August 7, 2007. Respondent has not filed an answer or otherwise appeared in the matter. 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 Barbering and Cosmetology 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. Ryan P. Wistein, (DOB 10/28/1976) is duly licensed as a barbering and cosmetology practitioner in the state of Wisconsin (license # 82-8436). This license was first granted on May 2, 2005, and expired on July 1, 2007.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 728 Jefferson Street, Wausau, Wisconsin 54401.
3. Michael Priebe, Colonial Property 5, L.L.C., P. O. Box 928, Wausau, Wisconsin, 54402 owns a building located at 326 Washington Street, Wausau, Wisconsin. The 326 Washington Street address is known as Divine Designs Salon, and is not a licensed barbering or cosmetology establishment in the state of Wisconsin. Mr. Priebe rents booth space at Divine Designs Salon and is not involved in the day-to-day operation of the booth spaces. Mr. Priebe does not perform any barbering or cosmetology services in Divine Designs Salon.
4. From October 1, 2005, through February 15, 2006, Respondent had a written lease agreement with Mr. Priebe for a booth at Divine Designs Salon.
5. From October 1, 2005, through February 15, 2006, Respondent operated a barbering and cosmetology practice in the booth at Divine Designs Salon.
6. Respondent has never been licensed as a barbering or cosmetology manager.
7. The booth Respondent rented at Divine Designs Salon was not licensed as a barbering or cosmetology establishment

during the period Respondent operated a practice there.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. The Board has adopted Wisconsin Administrative Code chapters BC 1 through 10 under the authority granted by Wis. Stats. chapter 454.
3. Wisconsin Administrative Code § BC 3.02 (2) requires a leased booth or chair to be licensed as a barbering or cosmetology establishment.
4. Wisconsin Administrative Code § BC 3.02 (2) requires the operator of a leased booth or chair to hold a barbering or cosmetology manager license.
5. By the conduct described in Findings of Fact 5 through 7 above, Respondent violated Wis. Administrative Code § BC 3.02 (2).
6. Wis. Stat. § 454.15 (2) (i) provides that a licensee who violated chapter 454 or any rule promulgated under that chapter is subject to discipline.
7. Because he violated Wisconsin Administrative Code § BC 3.02 (2) in the operation of his booth at Divine Designs Salon, Respondent is subject to discipline.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Ryan P. Wistein to practice barbering and cosmetology in the state of Wisconsin is hereby REPRIMANDED.
2. Respondent Ryan P. Wistein shall pay costs in the amount of EIGHT HUNDRED dollars (\$800.00) in this matter. Payment shall be submitted on the following payment schedule:

Date	Amount
April 15, 2009	\$200.00
July 15, 2009	\$200.00
October 15, 2009	\$200.00
January 15, 2010	\$200.00

The full amount of the forfeiture and costs may be paid at any time prior to each due date for payment.

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  
Department of Regulation and Licensing  
Post Office Box 8935  
Madison, WI 53708-8935

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 submit timely any payment of the costs as ordered, or fails to comply with the ordered continuing education, Respondent's license (#8436-82) SHALL BE SUSPENDED if active, or his right to renew his license SHALL BE SUSPENDED if the license is not active, 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.

By: Jeannie M. Bush  
A Member of the Board

2/2/09  
Date