

# 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
	:	
RACHEL H. DEBOWER,	:	Case # LS0902024BAC
RESPONDENT.	:	

Division of Enforcement Case # 07 BAC 150

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

Rachel H. DeBower  
500 Santa Maria Drive  
Arlington, Wisconsin 53911

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 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. Rachel H. DeBower (DOB 09/16/1985) is duly licensed as a barbering and cosmetology practitioner in the state of Wisconsin (license #85235-82). The license was first granted on November 30, 2005, and is current through March 31, 2009.
2. Ms. DeBower's most recent address on file with the Department is 500 Santa Maria Drive, Arlington, Wisconsin 53911.
3. At all times relevant to this action, Respondent was working as a barbering and cosmetology practitioners at Faded Full Salon and Spa (Faded Full), 909 East Broadway Street, Monona, Wisconsin 53716.
4. Faded Full is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin. That license was issued on October 28, 2005, and is current through March 31, 2009. Faded Full closed on or about October 31, 2006.
5. Respondent is listed in Department records as co-owner of Faded Full. As owner, Respondent was responsible for maintaining the establishment in compliance with the requirements of Wis. Stat. chapter 454 and Wis. Administrative Code chapters BC 2, 3, and 4.
6. Heidi Waldner was manager of record for Faded Full.
7. Ms. Waldner notified Respondent in January 2006 that she would no longer work as their manager of record.
8. Respondent continued to operate Faded Full until on or about September 1, 2006.

9. Respondent did not hire a barbering and cosmetology manager to succeed Ms. Waldner.
10. Respondent did not report Ms. Waldner's departure to the Department.

**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. Wis. Stat. § 454.08 (6) requires the owner of a barbering or cosmetology establishment to employ at least one person as a manager who holds a barbering and cosmetology manager license and works full-time in the establishment.
3. Wis. Administrative Code § BC 3.02 (1) provides that the owner of a barbering and cosmetology establishment shall not operate the establishment unless a licensed manager has been employed for the establishment.
4. By the conduct described in paragraphs 10 and 11 of the Findings of Fact, Respondent violated Wis. Stat. § 454.08 (6) and Wis. Administrative Code § BC 3.02 (1)
5. Wis. Stat. 454.15 (2) (i) provides that the holder of a license issued under Wis. Stat. chapter 454 may be disciplined for violating chapter 454 or any rule promulgated under chapter 454.
6. Respondent is therefore subject to discipline under Wis. Stat. 454.15 (2) (i).

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Rachel H. DeBower (#85235-82) to practice barbering and cosmetology in the state of Wisconsin is hereby REPRIMANDED.
2. Respondents shall pay a forfeiture of five hundred dollars (\$400.00) and three hundred dollars (\$300.00) toward the costs of this proceeding, for a total of seven hundred dollars (\$700.00). Payment shall be submitted on the following payment schedule:

te	Amount
June 30, 2009	\$140.00
September 30, 2009	\$140.00
December 30, 2009	\$140.00
March 30, 2010	\$140.00
June 30, 2010	\$140.00

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

3. 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  
 608-267-3817

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 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 fail to submit timely any payment of the forfeiture as set forth above, or fails to pay costs as ordered, Respondent's license (#85235-82) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.**

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

By: Jeannie M. Bush  
A Member of the Board

2/2/09  
Date