

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
	:	
TRICIA L. RUDE,	:	Case # LS 0904021 BAC
RESPONDENT.	:	

Division of Enforcement Case # 04 BAC 078

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

Tricia L. Rude
222 West Hampton Avenue, #114
Milwaukee, Wisconsin 53217

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Barbering and Cosmetology Board on April 3, 2009. Prior to the hearing on the Complaint, the parties in this matter agreed 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 adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Tricia L. Rude (DOB 12/13/1970) is duly licensed as a manicurist in the state of Wisconsin (license # 3081-85). This license was first granted on September 29, 1997, and is current through March 31, 2011.
2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is 222 West Hampton Avenue, #114, Milwaukee, Wisconsin 53217.
3. From July 1, 2003, through May 13, 2004, and from July 1, 2005, through July 28, 2005, Respondent's manicurist license was in expired status.
4. From January 18, 2001, until at least January 2007, Respondent was employed at About Face, 11014 North Port Washington Road, Mequon, Wisconsin 53092, a duly licensed barbering and cosmetology establishment.
5. On July 20, 2005, Investigator Douglas Austin from the Department inspected About Face. He found during the inspection that the establishment license for About Face had expired on July 1, 2005, and had not been renewed.
6. The establishment license for About Face was renewed on July 21, 2005.
7. Shortly after the inspection, Investigator Austin determined through Department records that Respondent's manicurist license had expired on July 1, 2003, and was not renewed until May 13, 2004. He also noted that the license had been in expired status from July 1 through July 28, 2005.

8. Respondent worked at About Face during the periods when her manicurist license was expired.
9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Board is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44 (5).
3. Wis. Stat. § 454.04(1)(b) provides that no person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license.
4. By the conduct described in paragraph 8 of the Findings of Fact, Respondent violated Wis. Stat. § 454.04 (1)(b).
5. Wis. Stat. § 454.15(2)(i) states that any violation of Chapter 454 or the rules promulgated under Chapter 454 is cause for discipline.
6. By violating Wis. Stat. § 454.01(b), Respondent has provided grounds for discipline against her manicurist license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Tricia L. Rude to practice manicuring in the state of Wisconsin is hereby REPRIMANDED.
2. Respondent shall also pay a forfeiture of FIVE HUNDRED dollars (\$500.00) and is assessed costs of this proceeding in the amount THREE HUNDRED (\$300.00) dollars, for a total due of EIGHT HUNDRED DOLLARS (\$800.00). Payment shall be submitted on the following payment schedule:

Date	Amount
June 30, 2009	\$100.00
September 30, 2009	\$100.00
December 30, 2009	\$100.00
March 30, 2010	\$100.00
June 30, 2010	\$100.00
September 30, 2010	\$100.00
December 30, 2010	\$100.00
February 28, 2011	\$100.00

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
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 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 forfeiture as set forth above, or fails to pay costs as ordered, Respondent's license (#3081-85) 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

6/1/09
Date