

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
:
RENEE A. KOLBECK, :
RESPONDENT. : LS0904063BAC

Division of Enforcement Case No. 06 BAC 048

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

Renee A. Kolbeck
W145N7415 Northwood Dr.
Menomonee Falls, WI 53051

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 Barbering and Cosmetology Examining (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 Renee A. Kolbeck is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-32249. This license was first granted to her on 05/12/08 and is current through 03/31/09.
2. Respondent Renee A. Kolbeck is licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, having license # 82-45556. This license was first granted to her on 07/11/83 and is current through 03/31/09.
3. The most recent address on file with the Department of Regulation and Licensing for Ms. Kolbeck is W145N7415 Northwood Dr., Menomonee Falls, WI 53051.
4. A complaint was received by the Department of Regulation and Licensing (Department) alleging that Ms. Kolbeck was operating a salon out of her home without proper zoning. Ms. Kolbeck denies ever operating a salon in her home.
5. On July 27, 2007, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Le Court Salons in Menomonee Falls. Ms. Kolbeck was observed cutting a patron's hair and receiving a check for the service. Ms. Kolbeck was advised that her practitioner license had expired on July 1, 2007. Department records show that Ms. Kolbeck renewed her license on July 30, 2007.

6. From early 2006 until May 12, 2008, Ms. Kolbeck rented space at Le Court Salons without having the required manager's license and establishment license. Department records show that Ms. Kolbeck was granted a manager's license on May 12, 2008 and an establishment license on July 23, 2008.

7. 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.

8. 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."

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. By the conduct described in paragraphs 5-6 of the Findings of Fact, Respondent Renee A. Kolbeck has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by practicing without any current license from July 1, 2007 through July 30, 2007, and by renting a chair for approximately two years without having the required separate manager's license and establishment license for her chair rental. As a result, Ms. Kolbeck is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Renee A. Kolbeck (license # 81-32249 and # 82-45556) be, and hereby is, **REPRIMANDED**.

2. Renee A. Kolbeck shall pay **COSTS** in the amount of **FIVE HUNDRED FIFTEEN DOLLARS (\$515.00)** within 90 days of the date of this Order.

3. Renee A. Kolbeck shall pay a **FORFEITURE** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within 180 days of the date of this Order.

4. Payment of the costs and forfeiture 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

5. 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. Kolbeck's licenses. 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. Kolbeck fails to timely submit any payment as ordered, then her licenses (# 81-32249 and # 82-45556) **SHALL BE SUSPENDED** without further notice or hearing until Ms. Kolbeck has complied with the terms of this Order.

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

Dated this 6th day of April, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush