

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
 : AS TO STEPHANIE J. KYLES
STEPHANIE J. KYLES AND TANGLES, :
RESPONDENTS : LS0909145BAC

Division of Enforcement Case File # 07 BAC 239

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

Stephanie J. Kyles
1176 Nier Court
Green Bay, WI 54303

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 Wisconsin 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 Stephanie J. Kyles was licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, license # 82-83734. This license was first granted to her on 11/15/2004 and expired 04/01/2009.
2. The most recent address on file with the Department of Regulation and Licensing for Ms. Kyles is 1176 Nier Court, Green Bay, WI 54303.
3. On or about November 5, 2007, a complaint was received by the Wisconsin Department of Regulation and Licensing (Department) alleging that Ms. Kyles was renting a chair at Tangles (license # 80-29886, granted 06/26/2001, current through 03/31/2011) without having the required separate manager's license and establishment license.
4. On April 16, 2008, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Tangles in Green Bay, Wisconsin. The inspection and investigation revealed that Ms. Kyles worked at Tangles from 2006 until April 2008 without having the required separate manager's license and establishment license. It was related to the Department by Mark Eliot, a co-owner of Tangles, that Ms. Kyles became an employee of the salon right after the April 16, 2008 inspection.

5. 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.

6. 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 paragraph 4 of the Findings of Fact, Respondent Stephanie J. Kyles has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by practicing barbering and cosmetology services while renting a chair without having the required separate manager's license and establishment license for her chair rental. As a result, Ms. Kyles is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Stephanie J. Kyles be, and hereby is, REPRIMANDED.

2. Respondent Stephanie J. Kyles shall pay COSTS in the amount of ONE HUNDRED DOLLARS (\$100.00) and a FORFEITURE in the amount of THREE HUNDRED FIFTY DOLLARS (\$350.00).

IT IS FURTHER ORDERED that:

3. Payment of the costs and forfeiture, which total \$450.00, shall be paid in two installments. A payment of TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00) will be paid within thirty (30) days from the date of this Order and one more payment of TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00) will be paid one hundred twenty (120) days from 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. Kyles' 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. Kyles fails to timely submit any payment as ordered, then her license (# 82-83734) SHALL BE SUSPENDED without further notice or hearing until Ms. Kyles has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 07 BAC 239 be, and hereby is, closed as to Respondent Stephanie J. Kyles.

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

Dated this 14th day of September, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush