

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
COLLEEN A. MIJAL AND PAM O'CONNOR, : (AS TO COLLEEN A. MIJAL)
RESPONDENTS. : ORDER 0000168

Division of Enforcement Case File # 09 BAC 034

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

Colleen A. Mijal
W8586 Adams Beach Dr.
Clintonville, WI 54929

Wisconsin 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 Colleen A. Mijal is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, license # 81-29464. This license was first granted to her on 05/16/2003 and is current through 03/31/2011. Respondent Mijal is also licensed in the state of Wisconsin as a Barbering and Cosmetology Instructor, license # 83-1458. This license was first granted to her on 02/09/2004 and is current through 03/31/2011.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Colleen A. Mijal is W8586 Adams Beach Dr., Clintonville, WI 54929.

3. On or about April 15, 2009, the Department received a complaint alleging that Ms. Mijal was working as a chair rental without having the proper licensure for a chair rental. A case was subsequently opened for investigation.

4. 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.

5. 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."

6. The Department's investigation revealed that Ms. Mijal was a chair rental for approximately one year without having the required separate establishment license. On July 16, 2009, a Department investigator issued a \$500.00 citation to Ms. Mijal for unlicensed practice for failing to have the required separate establishment license.

7. On or about August 7, 2009, the Department received a written request for a payment plan/arrangement from Ms. Mijal.

8. Ms. Mijal obtained an establishment license on August 24, 2009.

9. In resolution of this matter, Respondent Colleen A. Mijal consents to the entry of the following Conclusions of Law and Order.

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 6 of the Findings of Fact, Colleen A. Mijal has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2) by leasing a chair without holding the requirement separate establishment license.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Colleen A. Mijal is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Colleen A. Mijal shall pay a FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00) which shall be paid in two installments. A payment of TWO

HUNDRED FIFTY DOLLARS (\$250.00) shall be paid by July 6, 2010, and a second payment of TWO HUNDRED FIFTY DOLLARS (\$250.00) shall be paid by October 6, 2010.

2. Payment of the 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

3. In the event Respondent fails to timely submit payment of the forfeiture as ordered and as set forth above, the Respondent's license (# 81-29464) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of forfeiture.

IT IS FURTHER ORDERED, that file, 09 BAC 034 be, and hereby is, closed as to Respondent Colleen A. Mijal.

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

Dated this 3 day of May, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeanne M Bush