

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PEGGY M. HEATH,	:	95 BAC 008
RESPONDENT	:	

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

Peggy M. Heath
125 Capitol View Terrace #2
Madison, WI 53713

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 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. Peggy M. Heath (D.O.B. 12/10/57) is duly licensed in the state of Wisconsin as a barbering and cosmetology practitioner in the state of Wisconsin (license 3580). This license was first granted on July 29, 1993.

2. Ms. Heath's latest address on file with the Department of Regulation and Licensing is 125 Capitol View Terrace #2 , Madison, WI 53713.

3. On or about October 19, 1994. Ms. Heath was found guilty on a plea of no contest to violation of §943.20(1)(b)(3)(B), Wis. Stats (felony theft). True and correct copies of the criminal complaint and judgment of conviction in this matter are attached to this Order as Exhibit A. Exhibit A accurately reflects the facts and circumstances surrounding Ms. Heath's conviction, and the Exhibit is incorporated by reference into this Order.

4. In resolution of this matter, Ms. Heath consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Peggy M. Heath is subject to disciplinary action against her license to practice as a barbering and cosmetology practitioner in the state of Wisconsin, pursuant to Wis. Stats. sec. 458.15(2)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Peggy M. Heath shall be LIMITED as follows:

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

1. Respondent shall provide any current or prospective barbering and cosmetology employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which the Order is in effect.

Required reporting

2. Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.
3. Respondent shall comply with all terms (if any) of probation and/or parole imposed upon her, and make arrangements with her probation/parole officer to notify the Barbering and Cosmetology Examining Board immediately of any violation of probation/parole terms. Respondent shall maintain on file with the Board with current releases complying with state and federal laws, authorizing release and access to her probation and parole records.
4. If respondent's probation officer recommends work restrictions in the field of barbing and cosmetology in addition to the restrictions included in this order, Respondent shall restrict her practice in accordance with such recommendations.

Practice restrictions

4. Until such time as approved by the Board,
 - a. Respondent shall practice only in settings where she works under supervision by another licensed barbering and cosmetology professional; and

b. Respondent shall refrain from barbering and cosmetology employment where she is responsible for financial transactions and record keeping, such as but not limited to: making banking deposits, or maintaining sales records for the establishment where she works. Nothing in this order shall prevent respondent from receiving payment on behalf of her employer for services rendered to a patron.

PETITION FOR FULL AND UNRESTRICTED LICENSURE

Upon her submission of documentation acceptable to the Board that Ms. Heath has successfully completed her term of criminal probation, the Board shall grant a petition by Ms. Heath for the return of full and unrestricted licensure status.

Department monitor

The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor
Department of Regulation Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

SUMMARY SUSPENSION

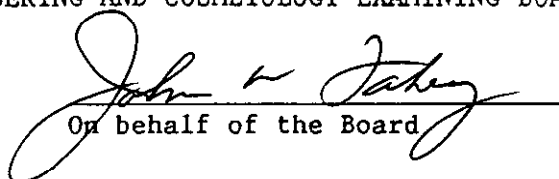
Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

(E) EFFECTIVE DATE OF ORDER

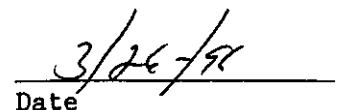
This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:


On behalf of the Board

Date



ARS/ila

CIRCUIT COURT

AUG 1 8 47 AM '94

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

DANE

CRIMINAL COMPLAINT

STATE OF WISCONSIN, PLAINTIFF

VS.

State of Wisconsin
County of Dane
This document is a full, true and
Correct copy of the original on file
and of record in my office and has
been compared by me.

Attest 3-15-95
JUDITH A. COLEMAN
Clerk of Courts
By [Signature]
Deputy Clerk

PEGGY M. HEATH DOB: 12-10-57
f/k/a PEGGY M. GRAVES
Sex/Race: Female/White
Height/Weight: 507/275
Hair/Eyes: Brown/Blue

125 Capitol View Terrace, #2
Madison, Wisconsin 53713

DEFENDANT(S).

OFFENSE(S): THEFT BY BAILEE

STATUTE(S) VIOLATED: 943.20(1)(b)(3)(c)

COMPLAINING WITNESS:
Detective Russell W. Kurth

AGENCY & CASE NO: MAPD/868-591

COURT CASE NO.: 94 CF 1327

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT IN THE COUNTY OF DANE, STATE OF WISCONSIN, DID, on and between December 26, 1993 and March 10, 1994, at the City of Madison, feloniously by virtue of her employment as manager for SuperCuts, having possession of more than \$2,500 of money owned by SuperCuts, intentionally retain possession of such money without the owner's consent, contrary to her authority, and with intent to convert such money to the use of a person other than the owner, contrawry to Section 943.20(1)(b)(3)(c) of the Wisconsin Statutes, a Class C felony, punishable upon conviction by a fine not to exceed \$10,000 or imprisonment not to exceed ten (10) years, or both.

**FACTS: Your complaint is a Detective employed by the Madison Police Department and bases this complaint upon his personal knowledge, information, and belief.

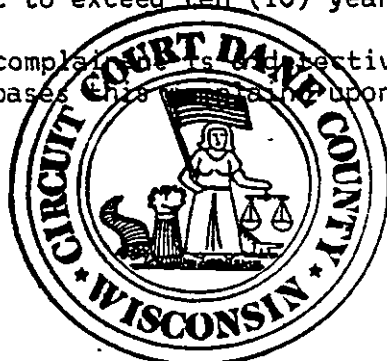


EXHIBIT A

Your complainant has spoken with a person who verbally identifies herself as DeAnn M. Niesen, Regional Manager for SuperCuts. Niesen stated that records kept and maintained in the usual course of business by SuperCuts reveal that Peggy M. Heath, date of birth: December 10, 1957, the defendant herein, was employed at the SuperCuts store located at 2111 Zeier Road, City of Madison, Dane County, Wisconsin, from July 28, 1993, until she was dismissed on March 8, 1994. Niesen stated that the procedures for handling money within SuperCuts store at said location was that at the end of each business day all monies were removed from the cash register and counted by two designated employees, with the money then being placed in a safe located in the back office of the salon at said location. Niesen stated that the safe was secured by a combination and the lower portion of the safe also has a keyed lock. Niesen stated that several employees know the combination to the office safe, but that Heath was the only employee with a key to the lower portion of the safe where the money is kept. Niesen stated that Heath's job duties included making deposits every Monday, Wednesday, and Friday. Niesen stated that those duties required her to verify the money count, complete a bank deposit ticket, and take the deposit to the bank. Niesen stated that after a substantial discrepancy showed up between monies taken in and deposits made, she spoke with Heath, who acknowledged having taken monies owned by SuperCuts which were supposed to have been deposited in the total amount of \$1,805.42, starting December 26, 1993, and continuing through January 1994. Niesen stated that records kept and maintained in the usual course of business by SuperCuts subsequently showed that there were substantial additional discrepancies between income and deposits, including the failure to make any deposit whatsoever of cash receipts in the following total amounts with respect to the following days:

<u>DATE</u>	<u>AMOUNT</u>
02-12-94	\$393.06
02-22-94	\$316.90
02-23-94	\$298.44
02-24-94	\$646.51
02-25-94	\$264.55
02-26-94	\$719.16
02-27-94	\$544.88
02-28-94	\$762.41
03-01-94	\$353.36
03-02-94	\$471.55

Niesen stated that records kept and maintained in the usual course of business by SuperCuts reveal that the overall total amount stolen from December 19, 1993, through March 1994 was \$6,627.19. Niesen stated that Heath did not have authorization nor consent to divert any funds owned by SuperCuts; and that she was required to deposit all such funds to SuperCuts bank account.

Your complainant reports that on May 25, 1994, he spoke with a person who verbally identified herself as Peggy M. Heath, date of birth: December 10, 1957, the defendant herein. Heath acknowledged that she had admitted obtaining "an unauthorized loan" from SuperCuts in the amount of \$1,805.42, and admitted making said admission in writing on March 8, 1994. Your complainant then reviewed with Heath the cash deposits not made from February 22, 1994, through March 2, 1994. The defendant stated that she did recall that time period, and had removed large amounts of cash from the bank deposits and retained them without the consent of SuperCuts. Heath stated that she could not recall any specific amounts and did not keep records of the amounts she stole, but did recall during the latter part of February and the early part of March of 1994 taking the entire deposit, retaining it, and spending the proceeds. The defendant stated that she had used the stolen money to buy presents at Christmastime and the balance for household expenses and personal items.

**THIS COMPLAINT IS BASED ON the personal investigation, information, and belief of your complainant, who is a Detective for the City of Madison Police Department. Further, your complainant believes the information furnished by DeAnn Niesen to be truthful and reliable inasmuch as she is a citizen informant and witnessed the events described. Your complainant believes the statements of the Defendant to be truthful and reliable insofar as they are admissions against penal interest.

SUBSCRIBED AND SWORN TO BEFORE ME
AND APPROVED FOR FILING THIS 1 DAY OF ~~JULY~~/AUGUST, 1994.


DEPUTY/ASSISTANT DISTRICT ATTORNEY


COMPLAINANT

State of Wisconsin, Plaintiff -vs- <u>Peggy M. Heath a/k/a Peggy M Graves</u> , Defendant <u>12-10-57</u> <small>Defendant's Date of Birth</small>	TYPE OF CONVICTION (Select One) <input checked="" type="checkbox"/> Sentence to Wisconsin State Prisons <input type="checkbox"/> Sentence Withheld, Probation Ordered <input type="checkbox"/> Sentence Imposed & Stayed, Probation Ordered COURT CASE NUMBER 94 CF 1327 <i>db</i>
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 The defendant entered plea(s) of: ☐ Guilty ☐ Not Guilty ☒ No Contest

 The ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
THEFT	943.20(1)(b)(3)(b)	F	E	ON AND BETWEEN 12-10-93 and 3-10-94.

 IT IS ADJUDGED that the defendant is convicted on 10-19-94 as found guilty and:

- ☐ on _____ is sentenced to prison for _____
☐ on _____ is sentenced to intensive sanctions for _____
☐ on _____ is sentenced to county jail/HOC for _____
☒ on 1-11-95 is placed on probation for 3 years

CONDITIONS OF SENTENCE/PROBATION

Obligations: (Total amounts only)

Fine <small>(Includes jail assessments; drug assessments; penalty assessments)</small>	\$ _____
Court costs <small>(Includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees)</small>	\$ 20.00
Attorney fees	\$ _____
Restitution -DA has 45 days to prepare order.	\$ _____
Other	\$ _____
Mandatory victim/witness surcharge(s)	
felony <u>1</u> counts \$ 70.00	
misdemeanor _____ counts \$ _____	

Jail: To be incarcerated in the county jail/HOC for 90 days Dane County Jail commencing within first 6 months of probation. 90 days to be on EMP with release for work and taking mother to Confinement Order For Intensive Sanctions sentence doct only - length of term: _____

Miscellaneous

IT IS ADJUDGED that _____ days sentence credit are due pursuant to s. 973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of _____

NAME OF JUDGE MARK A FRANKEL
DISTRICT ATTORNEY ANN R SAYLES, ADA
DEFENSE ATTORNEY JON HELLAND

BY THE COURT:

[Signature]
 Clerk of Court / Deputy Clerk

1-11-95

Date Signed

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
PEGGY M. HEATH,	:	95 BAC 008
RESPONDENT	:	

It is hereby stipulated between Peggy M. Heath, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution of the above-referenced proceedings against Ms. Heath's Wisconsin license to practice Barbering and Cosmetology. This Stipulation and Order shall be presented directly to the Barbering and Cosmetology Examining Board for its approval and adoption.

2. Ms. Heath understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Heath is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

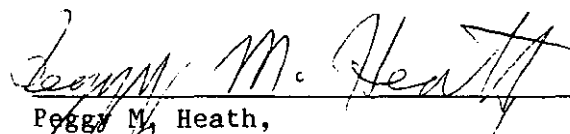
4. Ms. Heath agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

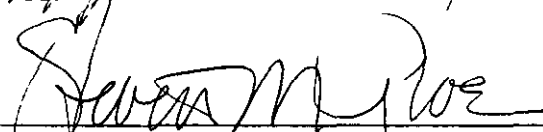
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology

Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Heath in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Peggy M. Heath,

3-11-96
Date


Steven M. Gloe, Attorney
Division of Enforcement

3.12.96
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 27, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)