

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

BARBARA DRISCOLL,  
d/b/a SALON 5211  
RESPONDENT

FINAL DECISION AND ORDER  
94 BAC 028

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Barbara Driscoll  
d/b/a Salon 5211  
5211 W. Loomis Rd.  
Greenfield, Wisconsin 53129

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, Wisconsin 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. Barbara Driscoll (DOB 12-19-71), 7720 W. Rogers St., West Allis, WI 53219, is duly licensed as a manicurist in the state of Wisconsin (license #1358). This license was first granted on July 6, 1993.
2. Salon 5211, 5211 W. Loomis Rd., Greenfield, WI 53129, is duly licensed as a manicuring establishment in the state of Wisconsin (license #432). This license was first granted on October 27, 1994. Barbara Driscoll is listed as the owner of this establishment.
3. On exact dates unknown, but beginning at least on June 17, 1994, and continuing on through at least October 26, 1994, Ms. Driscoll rented a chair from Dara Atliza, who owns and operates Salon 5211 (license #22537). At no time relevant to this action did Ms. Driscoll hold an establishment license for the chair she was renting from Ms. Atliza.

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

### CONCLUSIONS OF LAW

By the conduct referred to in ¶ 3, above, Barbara Driscoll violated secs. 454.08(b) and Wisconsin Administrative Code § BC 2.04(1) and ch. BC 3.

### ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Barbara Driscoll shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00). Payment shall be submitted within thirty (30) days from the date of this order.

Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

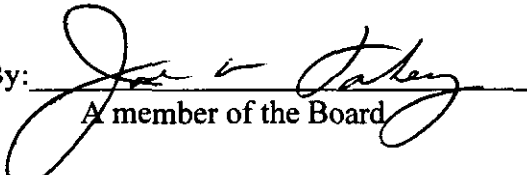
Michelle Neverman  
Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

**IT IS FURTHER ORDERED** that in the event Barbara Driscoll fails to timely submit payment of the forfeiture as set forth above, the establishment license of Salon 5211 (lic. #432) **SHALL BE SUSPENDED**, without further notice or hearing, until Ms. Driscoll has complied with the terms of this Order.

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

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By:

  
A member of the Board

Date

3/10/97

STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

---

IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

BARBARA DRISCOLL, :  
d/b/a SALON 5211 :  
RESPONDENT :

STIPULATION  
94 BAC 028

---

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

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (94 BAC 028). Ms. Driscoll consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Driscoll 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. Driscoll is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Driscoll 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. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.

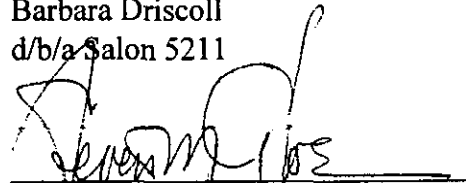
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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

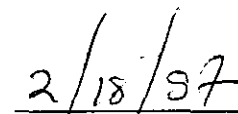
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

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

  
Barbara Driscoll  
d/b/a Salon 5211

  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

  
Date

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 10, 1997, the Barbering and Cosmetology Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \_\_\_\_\_ Case #: \_\_\_\_\_

The amount of the forfeiture is: \$500.00 Case # 94 BAC 028

Please submit a check or a money order in the amount of \$ \$500.00

The costs and/or forfeitures are due: April 9, 1997

NAME: Barbara Driscoll, d/b/a Salon 5211 LICENSE NUMBER: 1358

STREET ADDRESS: 5211 West Loomis Road

CITY: Greenfield STATE: WI ZIP CODE: 53129

Check whether the payment is for costs or for a forfeiture or both:

       COSTS   X   FORFEITURE

Check whether the payment is for an individual license or an establishment license:

  X   INDIVIDUAL        ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:  
\_\_\_\_\_

**For Receipting Use Only**

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Barbara Driscoll,  
d/b/a Salon 5211,

AFFIDAVIT OF MAILING

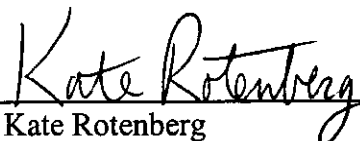
Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 14, 1997, I served the Final Decision and Order dated March 10, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Barbara Driscoll, d/b/a Salon 5211, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 766.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Barbara Driscoll,  
d/b/a Salon 5211  
5211 W. Loomis Road  
Greenfield WI 53129

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 14<sup>th</sup> day of March, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

---

---

## 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 14, 1997

### **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.)