

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :
 PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
 : 95 BAC 025
 :
 SCOTT E. RUSSELL, :
 d/b/a/ CITY LOOKS, :
 RESPONDENT. :

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

Scott E. Russell
City Looks
2783 So. Oneida St.
Green Bay, WI 54304

Barbering and Cosmetology Board
Bureau of Business Professions
Post Office 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. Scott E. Russell (DOB 04/24/59), 4520 Choctaw Trail, Green Bay, WI 54313, is duly licensed in the State of Wisconsin as a barbering and cosmetology manager, license # 15662.
- 2 City Looks, 2783 South Oneida Street, Green Bay, WI 54304 is duly licensed in the State of Wisconsin as a barbering and cosmetology establishment, license # 21025. This establishment license was granted on August 16, 1990.

04/15/95
 01 924
 Wisconsin State Board of Cosmetology

3. On exact dates unknown, but for a period of three years, ending on May 30, 1995, Mr. Russell operated the establishment referred to in ¶2, above, with an unlicensed person, Gretchen Schenk, on staff.

4. During the period of time referred to in ¶3, above, Mr. Russell was the sole owner of City Looks. As owner, Mr. Russell was and is responsible for compliance with licensure laws and regulations concerning the operation of his establishment.

5. In resolution of this matter, Mr. Russell consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Scott E. Russell, by the conduct referred to in ¶¶2 through 4, above, has violated § 454.04 (1) (a) Wis. Statutes, aided and abetted unlicensed practice; Wis. Admin. Code § BC 2.04(1), assisted in the unauthorized practice of barbering and cosmetology; and violated § BC 2.07 (2) (b) Wis. Admin. Code, as manager, failed to insure that the establishment was in compliance with chapter 454, Statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Scott E. Russell shall pay to the Department of Regulation and Licensing a forfeiture of THREE THOUSAND dollars (\$3,000.00). Payment shall be submitted no later than sixty (60) days from the date of this order.

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

Wisconsin Department of Regulation and Licensing
Attn: Michelle Neverman, Department Monitor
P.O. Box 8935
Madison, WI 53708

IT IS FURTHER ORDERED that in the event Respondent Scott E. Russell fails to timely submit payment of the forfeiture as set forth above, his manager license and the establishment license of City Looks, 2783 South Oneida Street, Green Bay, WI 54304 SHALL BE SUSPENDED, without further notice or hearing, until Mr. Russell 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: *John A. Tabej*
A member of the Board

5/9/97
Date

RECEIVED

MAR 10 1997

WISCONSIN BARBERING AND COSMETOLOGY BOARD

received 3/7/97

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
SCOTT E. RUSSELL,	:	95 BAC 025
d/b/a/ CITY LOOKS	:	
RESPONDENT.	:	

It is hereby stipulated between Scott E. Russell, personally on his own behalf and on behalf of City Looks; and Henry E. Sanders, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (95 BAC 025). Mr. Russell consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Russell understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Mr. Russell is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.

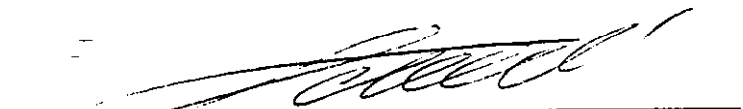
4. Mr. Russell agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the 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 to contend that the Board had not 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 Board assigned as advisor in

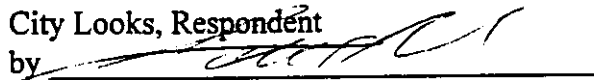
this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the Stipulation.

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




Scott E. Russell , Respondent

3/7/97
Date

City Looks, Respondent
by 

Date



Henry E. Sanders, Attorney
Division of Enforcement

3/10/97
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 May 9, 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: \$3,000.00 Case # 95BAC025

Please submit a check or a money order in the amount of \$ 500.00 monthly payments (see below)

The costs and/or forfeitures are due: May 30, June 30, July 28, August 28, September 26, October 24, 1997

NAME: Scott E. Russell, d/b/a City Looks LICENSE NUMBER: 15662

STREET ADDRESS: 2783 South Oneida Street

CITY: Green Bay STATE: WI ZIP CODE: 54304

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:
\$500.00 _____

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

In the Matter of the Disciplinary Proceedings Against

Scott E. Russell,
d/b/a City Looks,

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 May 13, 1997, I served the Final Decision and Order dated May 9, 1997, with Cover Letter, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Scott E. Russell, d/b/a City Looks, 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 201 374 230.

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:

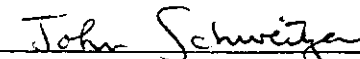
Scott E. Russell,
d/b/a City Looks
2783 S. Oneida Street
Green Bay WI 54304



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 13th day of May, 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 BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

May 13, 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.)