

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- 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.

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STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

FILE COPY <sup>64</sup>

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

AIMEE TOLEFREE,  
RESPONDENT

: FINAL DECISION AND ORDER  
: LS 98100516 BAC

**Division of Enforcement Case No. 98 BAC 102**

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

Aimee Tolefree  
7905 N. 64th  
Milwaukee, WI 53223

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

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. Aimee Tolefree (DOB 12-28-72), 7905 N. 64th, Milwaukee, WI 53223, is duly licensed as a barbering and cosmetology practitioner in the state of Wisconsin (license #77566). This license was first issued on March 18, 1998.

2. Miracles Family Hair Care Center, 7911 N. 60th St., Milwaukee, WI 53223 is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #26210).

3. On exact dates unknown, but at least from April 1, 1997 and continuing until at least May 15, 1997, Aimee Tolefree was providing barbering and cosmetology services at Miracles Family Hair Care Center. At no time relevant to this action did Ms. Tolefree hold a current barbering and cosmetology license.

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

#### CONCLUSIONS OF LAW

Aimee Tolefree, by the conduct referred to in ¶ 3, above, has violated sec. 454.04(1)(a), Stats.

#### ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Aimee Tolefree, shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100.00). 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:*

Department Monitor  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935.

**IT IS FURTHER ORDERED** that in the event that Aimee Tolefree fails to timely submit payment of the forfeiture as set forth above, the practitioner license of Aimee Tolefree (#77566) SHALL BE SUSPENDED, without further notice or hearing, until Ms. Tolefree 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

10/5/98  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

AIMEE TOLEFREE,  
RESPONDENT

:  
:  
:  
:  
:

STIPULATION

It is hereby stipulated between Aimee Tolefree 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 (98 BAC 102). Ms. Tolefree consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Tolefree 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. Tolefree 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. Tolefree 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. Tolefree in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Aimee Tolefree

8-31-98  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

9.14.98  
Date

# Department of Regulation & Licensing

State of Wisconsin

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

(608)

TTY# (608) 267-2416  
TRS# 1-800-947-3529

hearing or speech  
impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On October 5, 1998, 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: \$100.00 Case #: LS98100516BAC

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$100.00

The costs and/or forfeitures are due: November 4, 1998

NAME: Aimee Tolefree LICENSE NUMBER: 77566

STREET ADDRESS: 7905 North 64th

CITY: Milwaukee STATE: WI ZIP CODE: 53223

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:

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

**For Receipting Use Only**

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

Aimee Tolefree,

AFFIDAVIT OF MAILING

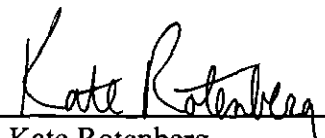
Respondent.

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:

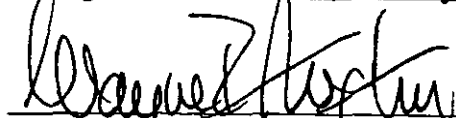
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On October 6, 1998, I served the Final Decision and Order dated October 5, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS98100516BAC, upon the Respondent Aimee Tolefree by enclosing true and accurate copies of the above-described documents 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 Z 233 819 861.
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:

Aimee Tolefree  
7905 N. 64th  
Milwaukee WI 53223

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

Subscribed and sworn to before me

this 8th day of October, 1998.

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

## NOTICE OF RIGHTS OF APPEAL

TO: AIMEE TOLEFREE

You have been issued an Order. For purposes of service the date of mailing of this Order is 10/6/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### 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 53708-8935



FILE COPY

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

DONALD V. TRAN :  
D/B/A BEST NAILS, :  
RESPONDENTS. :

FINAL DECISION AND ORDER

LS9812079BAC

**Division of Enforcement Case No. 95 BAC 130, 96 BAC 003 and 98 BAC 018**

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

Donald V. Tran  
Best Nails  
92 East Towne Mall  
Madison, WI 53704

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. Best Nails, 92 East Towne Mall, Madison, WI 53704, is duly licensed as a manicuring establishment in the state of Wisconsin (license #520). This license was first granted on July 19, 1995. Donald V. Tran is listed with the Department of Regulation and Licensing as the owner of Best Nails. As owner, Mr. Tran is and was at all times relevant to this action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

2. On exact dates unknown, but at least on December 3, 1996 and March 27, 1998, Best Nails did not possess a disinfectant registered with the United States environmental protection agency as a tuberculocidal agent.

3. On exact dates unknown, but at least on March 27, 1998, Best Nails did not, prior to use, disinfect or sterilize reusable manicure instruments.

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

### CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 2-3, above, Donald V. Tran, d/b/a Best Nails, violated sec. 454.15(2)(i) and Wis. Admin. Code § 4.10.

### ORDER

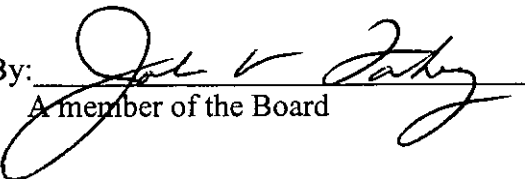
NOW, THEREFORE, **IT IS HEREBY ORDERED** that Donald V. Tran, d/b/a Best Nails, shall pay to the Department of Regulation and Licensing a forfeiture of THREE HUNDRED dollars (\$300.00). Payment shall be submitted within 30 days from the date of this order. Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

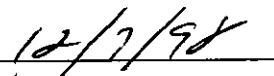
Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

**IT IS FURTHER ORDERED** that in the event Respondents fail to timely submit any payment of the forfeiture as set forth above, the establishment license of Best Nails (#520) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:   
A member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
DONALD V. TRAN	:	STIPULATION
D/B/A BEST NAILS,	:	
RESPONDENTS.	:	

---

It is hereby stipulated between Donald V. Tran, d/b/a Best Nails, personally on his 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 (95 BAC 130, 96 BAC 003 and 98 BAC 018). Mr. Tran consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Tran understands that by the signing of this Stipulation he voluntarily and knowingly waive 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. Tran is aware of his right to seek legal representation and have been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Tran 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.

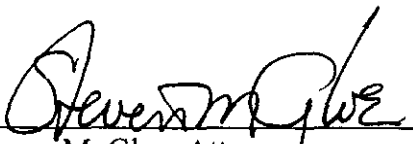
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties 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 Donald V. Tran in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Donald V. Tran  
d/b/a Best Nails

10/8/98  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

10-20-98  
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 December 7, 1998, 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: \$300.00 Case # LS9812079BAC

Please submit a check or a money order in the amount of \$300.00

The costs and/or forfeitures are due: January 6, 1999

NAME: Donald V. Tran, d/b/a Best Nails LICENSE NUMBER: 520

STREET ADDRESS: 92 East Towne Mall

CITY: Madison STATE: WI ZIP CODE: 53704

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:

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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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

Donald V. Tran,  
d/b/a Best Nails,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

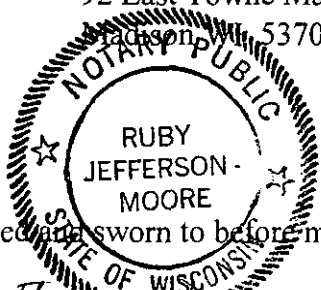
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 10, 1998, I served the Final Decision and Order dated December 7, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9812079BAC, upon the Respondent Donald V. Tran, d/b/a Best Nails, by enclosing true and accurate copies of the above-described documents 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 Z 233 821 013.

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:

Donald V. Tran  
d/b/a Best Nails  
92 East Towne Mall  
Madison, WI 53704



Subscribed and sworn to before me  
this 11th day of December, 1998.

Ruby Jefferson-Moore  
Notary Public, State of Wisconsin  
My commission is permanent.

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

## NOTICE OF RIGHTS OF APPEAL

TO: DONALD V TRAN, d/b/a BEST NAILS

You have been issued an Order. For purposes of service the date of mailing of this Order is 12/10/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### 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 53708-8935

FILE COPY 54

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

CHERYLE REBHOLZ,  
D/B/A FACES II LLC,  
RESPONDENT.

FINAL DECISION AND ORDER

LS98100512 BAC

Division of Enforcement  
97 BAC 058

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

Cheryle Rebholz  
Faces II, LLC  
10044 N. Port Washington Rd.  
Mequon, WI 53092

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. Faces II, LLC, 10044 N. Port Washington Rd., Mequon, WI 53092, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #24568). This license was first granted on September 27, 1995 and expired on June 30, 1997. This license was not renewed again until October 19, 1997. Cheryle Rebholz is listed with the Department of Regulation and Licensing as the owner of Faces II, LLC. As owner, Ms. Rebholz was and is at all times relevant to this action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.



2. On exact dates unknown, but beginning at least July 1, 1997 and continuing on through at least October 18, 1997, Faces II, LLC was open and operating without a current Wisconsin barbering and cosmetology establishment license.

3. On exact dates unknown, but at least on December 15, 1996 and continuing on through at least February 7, 1997, Faces II, LLC was operating without a manager appointed to have direct authority over the operations of the establishment, nor was a change in manager of record reported to the Department.

4. On exact dates unknown, but at least on July 1, 1997 and continuing on through October 23, 1997, Laura Wilkinson was providing manicuring services at Faces II, LLC. At no time relevant to this action did Ms. Wilkinson hold a valid and current Wisconsin manicuring license.

5. In resolution of this matter, Ms. Rebholz, d/b/a consent to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

1. By the conduct referred to in ¶¶ 2-4, above, Cheryle Rebholz, d/b/a Faces II, LLC, violated sec. 454.15(2)(i), Stats. and Wis. Admin. Code §§ BC 2.04 and BC 2.06 and 3.01(2).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:


1. Faces II, LLC (license # 24568) is hereby reprimanded;
2. Cheryle Rebholz, d/b/a Faces II, LLC, shall pay to the Department of Regulation and Licensing a forfeiture of TWO HUNDRED dollars (\$200.00). Payment shall be submitted within forty-five (45) 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:

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

**IT IS FURTHER ORDERED** that in the event Cheryle Rebholz fails to timely submit payment of the forfeiture as set forth above, the establishment license of Faces II, LLC (#24568) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:   
A member of the Board

10/5/98  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

-----  
IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

CHERYLE REBHOLZ,  
D/B/A FACES II LLC,  
RESPONDENT.

:  
:  
STIPULATION  
:  
:  
-----

It is hereby stipulated between Cheryle Rebholz, d/b/a Faces II, LLC 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 (97 BAC 058). Ms. Rebholz consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Rebholz understands that by the signing of this Stipulation he voluntarily and knowingly waive 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. Rebholz 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. Rebholz 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 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. Rebholz in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Cheryle Rebholz  
d/b/a Faces II, LLC

7.31.98  
Date

*under protest*

  
Steven M. Gloe, Attorney  
Division of Enforcement

8.4.98  
Date

2010-03-08 08:20

RECEIVED  
DIVISION OF ENFORCEMENT

# 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 October 5, 1998, 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: \$200.00 Case #: LS98100512BAC

The amount of the forfeiture is: \_\_\_\_\_ Case #: \_\_\_\_\_

Please submit a check or a money order in the amount of \$200.00

The costs and/or forfeitures are due: December 19, 1998

NAME: Cheryle Rebholz LICENSE NUMBER: 53092

STREET ADDRESS: 10044 North Port Washington Road

CITY: Mequon STATE: WI ZIP CODE: 53092

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:

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

**For Receipting Use Only**

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

Cheryle Rebholz,  
d/b/a Faces II LLC,

AFFIDAVIT OF MAILING

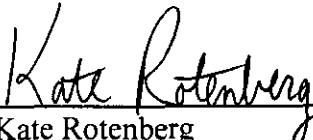
Respondent.

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:

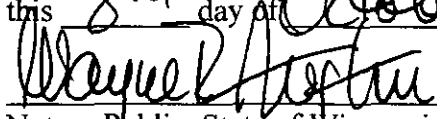
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On October 6, 1998, I served the Final Decision and Order dated October 5, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS98100512BAC, upon the Respondent Cheryle Rebholz, d/b/a Faces II LLC, by enclosing true and accurate copies of the above-described documents 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 Z 233 819 867.
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:

Cheryle Rebholz  
d/b/a Faces II LLC  
10044 N. Port Washington Road  
Mequon WI 53092

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

Subscribed and sworn to before me

this 8th day of October, 1998.

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

## NOTICE OF RIGHTS OF APPEAL

TO: CHERYLE REBHOLZ, d/b/a FACES II LLC

You have been issued an Order. For purposes of service the date of mailing of this Order is 10/6/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### 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 53708-8935