

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

DARLENE E BIGELOW

RESPONDENT

FINAL DECISION AND ORDER

LS0206031BAC

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

Darlene E. Bigelow

Park Avenue of Palm Beaches

10020 N. Port Washington Rd.

Mequon, WI 53092

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

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 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. **Darlene E. Bigelow** ("Bigelow"), date of birth 02/18/34, is licensed in the State of Wisconsin as a Barber or Cosmetology Manager having license # 81 5990. This license was first granted to her on 01/21/57.
2. Bigelow is listed with the Department of Regulation and Licensing as owner of the Barbering and Cosmetology Establishment d/b/a Park Avenue of Palm Beaches, License # 80 13549. The most recent address on file with the Department of Regulation and Licensing for this establishment is 10020 N. Port Washington, Mequon, WI 53092.
3. At all times relevant to this action, Bigelow was working as manager of record for Park Avenue of Palm Beaches. As owner/manager, Bigelow was responsible for the daily operations of the establishment and for ensuring that the establishment was in compliance with Wis. Stats. chapter 454 and Admin. Code chapters BC 2, 3 and 4.
4. On or about February 20, 2002, an inspection of Park Avenue of Palm Beaches was performed by Department of Regulation and Licensing investigator Michelle Krisher. During the inspection investigator Krisher found the following:

- a. A list of cost of services was not posted nor a sign displayed stating that patrons have the right to be informed of the cost of services before the services are provided.
- b. Disposable manicuring equipment was not being disposed of properly in that used disposable nail files were found on one manicuring workstation tabletop.
- c. The disinfectant found on one manicuring workstation was cloudy/dirty indicating that it had not been recently changed.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **Darlene E. Bigelow** has violated:

- a. Wisconsin Statutes sec. 454.15(2)(i) and Wisconsin Administrative Code section BC 2.05(2) by not posting a list of cost for services or displaying a sign which states, "All establishment patrons have the right to be informed of the cost of services before the services are provided."
- b. Wisconsin Statutes sec. 454.15(2)(i) and Wisconsin Administrative Code section BC 4.10(2) by not disposing of disposable manicuring equipment properly following each use.
- c. Wisconsin Statutes section 454.15(2)(i) and Wisconsin Administrative Code section BC 4.10(1)(b) by failing to change disinfectant used for decontamination daily.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Darlene E. Bigelow** shall pay to the Department of Regulation and Licensing a forfeiture of TWO HUNDRED dollars (\$200.00). 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, Department of Regulation and Licensing , PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event **Darlene E. Bigelow** fails to timely submit payment of the forfeiture as set forth above, the Barber or Cosmetology Manager's license of Darlene E. Bigelow (#81 5990) **SHALL BE SUSPENDED**, without further notice or hearing, until respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 01 BAC 053 be, and hereby is, closed.

Dated this 3rd day of June, 2002.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Lee Martinez

A Member of the Board