

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
WENDY TOWNS, :
RESPONDENT. : LS03030313BAC

Division of Enforcement Case No. 01 BAC 028

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

Wendy Towns
1308 W. New York Avenue
Oshkosh, WI 54901

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. Wendy Towns is a licensed cosmetologist in the State of Wisconsin, having license #79813, first granted on January 4, 2001. The last known address for Towns on file with the Department of Licensing and Regulation is 1308 W. New York Avenue, Oshkosh, Wisconsin, 54901.

2. On August 18, 2000, Towns signed and submitted the State of Wisconsin Barbering and Cosmetology License Application. A true and correct copy of the Towne's application is attached and marked as **Exhibit 1**.

3. Along with her application to take the the exam for a barbering and cosmetology exam, Towns submitted the Department of Regulation and Licensing Certification of Training form. A true and correct copy of the Certification Training form is attached and marked as **Exhibit 2**.

4. The Certification form submitted by Towns was required to verify that she met the training and educational requirements for a barbering and cosmetology license, which consists of 1800 hours of training as a student or apprentice in a licensed barbering and cosmetology school, specialty school or technical college.

5. The training form submitted by Towns to the Department listed Martin's School of Hair Design as the school which provided the required training to Towns. The training form was signed by Marni Wahoske, an instructor for Martin's School of Hair Design.

6. A complaint was filed by Sue Kwitek, the Vice President of Martin's School of Design alleging that the training form was not authorized for release to Towns because she had not fulfilled of the requirements by owing unpaid tuition.

7. Kwitek indicated that the form had been placed in a secure file and was not to be released to Towns until she paid her outstanding tuition. Kwitek was unaware of who completed the form or how Towns gained access to it.

8. Kwitek further indicated that the graduation date appearing on the Training Certification, per the school policy, would not have been completed by any instructor if a student has unpaid tuition. Kwitek noted that the graduation date appears to be in handwriting different than the other portions of the form and may have been completed by someone other than the instructor.

9. Kwitek indicated that Towne's expected graduation date was June 26, 2000 based upon her start date and absences. The certification form submitted by Towns to the Department indicates that she graduated on June 18, 2000.

CONCLUSIONS OF LAW

By the conduct referred to in the paragraphs above, Wendy Towns, has violated Wis. Stats. secs.454.15(2)(a) by making a material misstatement in an application for a

license.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that WENDY TOWNS (lic. # 79813) is **REPRIMANDED** and shall pay to the Department of Regulation and Licensing a forfeiture of two hundred fifty dollars (**\$250.00**) within ten (10) months from the date of the signing of this Order and payable in equal monthly installments. Respondent may pre-pay the full amount of the forfeiture at any time.

IT IS FURTHER ORDERED THAT WENDY TOWNS shall submit proof that she has paid in full the amount of tuition owed to Martin's School of Hair Design. Proof of payment shall be submitted directly by the school to the Department Monitor within one (1) year from the date of the signing of this Order.

Payment of the forfeiture 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**

In the event WENDY TOWNS fails to timely submit payment of the forfeiture and proof of payment of her tuition, as set forth above, her practitioner's license **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbarba Flaherty

3-3-03

A member of the Board

Date