

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 :
 :
DALE AND DONNA BAKER : FINAL DECISION AND ORDER
D/B/A EUROPEAN NAIL :
AND SKIN CENTER, : LS0308049BAC
 :
RESPONDENTS :

Division of Enforcement Case No. 01 BAC 017

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

Dale Baker & Donna Baker
D/B/A/ European Nail and Skin Center
17550 W. Bluemound Road
Brookfield, WI 53045

Barbering and Cosmetology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and finds it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Dale Baker and Donna Baker are the owners of European Nail and Skin Center, a barbering and cosmetology establishment located at 17550 W. Bluemound Road, Brookfield, Wisconsin, 53045 (license #80-22829), granted on 07/30/93).
2. Donna Baker is a licensed manicurist (#85-4192) in the state of Wisconsin, having first received her license on June 8, 2000.
3. The latest address for Donna Baker on record with the Department of Regulation and Licensing, (hereafter "Department"), is 2429 West Halsey Avenue, Milwaukee, WI 53221.
4. As the owners of a licensed barbering and cosmetology establishment, Dale and Donna Baker were responsible for compliance with Wisconsin Statute, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2, 3 and 4.
5. Han Tran received her manicurist education and practical work experience through a licensed manicuring school owned and operated by the respondents.
6. Beginning on or about July 2000, Ms. Tran completed her training and began to work for European Nail and Skin Center as a manicurist.
7. Ms. Tran did not obtain her temporary manicurist permit until February 14, 2001. In August 2001, Ms. Tran took the examination for a permanent manicurist license, but she did not pass the examination.
8. Ms. Tran did not obtain her permanent manicurist license until September 19, 2001, but continued to work as a manicurist under the supervision of a licensed manager.
9. Mr. Baker told the Department investigator that the licensed manager for his establishment until December 1, 2002 was Darlene Grabarczyk.
10. Mr. Baker told the Department investigator that Shirley Pohlkamp was the licensed manager for his establishment from March 2002 through September 2002.
11. Upon further investigation, Mr. Baker admitted that he did not employ a licensed manager for his establishment after Ms. Pohlkamp left.
12. Mr. Baker indicated that he would prefer to surrender his barbering and cosmetology establishment license, since he was not operating a full service salon, and obtain separate manicuring and aesthetics establishment licenses, which do not require the employment of a licensed manager.

13. As of this date, the respondents have submitted the separate license applications and have been granted separate aesthetics and manicuring establishment licenses.

In resolution of this matter, Dale and Donna Baker, D/B/A European Nail and Skin Center, consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Dale and Donna Baker, as owners of a licensed barbering and cosmetology establishment, European Nail and Skin Center, have through the conduct described in the above paragraphs violated the following:

Wis. Admin. Code for Practice and Professional Conduct of Barbering and Cosmetology, BC 2.04(6), which requires that the owner of any licensed establishment shall be responsible for compliance with ch.454, Stats. and chs. BC 2, 3, 4 and shall:

(5) In the case of an owner of a barbering and cosmetology establishment, employ a manager who shall have direct responsibility over the operations of the establishment.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Dale Baker and Donna Baker, D/B/A European Nail and Skin Center, is hereby **RERIMANDED** and shall pay to the Department of Regulation and Licensing a forfeiture of (\$1,000.00) and full costs in the amount of (\$974.59) within (90) days from the effective date of this order.

2. *Payment shall be made by certified check or money order, payable to:*

Wisconsin Department of Regulation and Licensing

Department Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

In the event that Respondents fail to comply with the conditions set forth within the Stipulation and Order, the establishment license of European Nail and Skin Center (#80-22829) 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: Leon Lauer	8-4-03
Board Member	Date