

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 :
 : FINAL DECISION AND ORDER
JOANN DRIVER, :
RESPONDENT. : LS0408022BAC

Division of Enforcement Case No. 03 BAC 097

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

Joann Driver
4243 N. 19th Place
Milwaukee, WI 53209

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

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 Wisconsin Barbering and Cosmetology Examining Board ("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. Joann Driver ("Driver"), date of birth 10/03/49, is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager having license #81-24723. This license was first granted to her on 03/27/92. Driver's last reported address on file with the Department of Regulation and Licensing is 4243 N. 19th Place, Milwaukee, WI 53209.
2. At all times relevant to this action, Driver was the owner and manager of Mocha Mist Hair & Barber Shop. As owner/manager, Driver was responsible for the daily operations of the establishment and for ensuring that the establishment was in compliance with Wis. Admin. Code Chapter BC 2.
3. On or about June 11, 2003, an investigator with the Department of Regulation and Licensing attempted to locate the Barbering and Cosmetology Establishment Mocha Mist Hair & Barber Shop. During the investigation, the investigator found that Mocha Mist Hair & Barber Shop was no longer open for business.
4. Department records show that Mocha Mist Hair & Barber Shop was never licensed as a Barbering and Cosmetology Establishment.
5. Driver admitted to the Department's investigator that Mocha Mist Hair & Barber Shop had been operating without a license from October 1, 2002 until April 30, 2003.

6. Driver is no longer actively practicing as a Barbering and Cosmetology Manager.

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 Joann Driver has violated: sec. 454.08(1)(b), Wis. Stats., and sec. BC 2.04(1), Wis. Adm. Code by providing Barbering and Cosmetology services to clients in an establishment without a Cosmetology Establishment license.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent Joann Driver, pay a FORFEITURE in the amount of \$1,000.00. The first \$500 shall be paid within six (6) months from the date of this Order. The second \$500 shall be paid before the end of one year from the date of this Order.
2. That any and all petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

3. That violation of any term or condition of this Order may constitute grounds for revocation of Driver's license to practice as a Barbering and Cosmetology Manager in Wisconsin. Should the Barbering and Cosmetology Examining Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Barbering and Cosmetology Examining Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.
4. That file 03 BAC 097 be, and hereby is, closed.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

8-2-04	Leon Lauer
Date	A member of the Board