

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
JENNY’S HAIR AND NAILS STUDIO : LS0503071BAC
AND JUANITA DE JESUS, :
RESPONDENTS :

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Jenny’s Hair and Nails Studio
Juanita De Jesus
1338 S 11th St
Milwaukee WI 53204

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. **Jenny’s Hair and Nails Studio** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80 32095. This license was first granted to it on 06/17/04. The most recent address on file with the Department of Regulation and Licensing for this establishment is 1338 S 11th St., Milwaukee, WI 53204.
2. **Juanita De Jesus**, (“De Jesus”) is listed with the Department of Regulation and Licensing as the owner of Jenny’s Hair and Nails Studio. As owner, De Jesus was at all times relevant to this action responsible for compliance with Wis. Stat. chapter 454 and Wis. Admin. Code chapters BC 2 and BC 4.
3. De Jesus is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81 29980. This license was first granted to her on 05/20/04. The most recent address on file with the Department of Regulation and Licensing for De Jesus is 745 S. 28th St., Milwaukee, WI 53215.
4. On September 24, 2004, an investigator from the Department of Regulation and Licensing performed an inspection at Jenny’s Hair and Nails Studio. During the inspection the investigator observed Yolanda Amado, an employee of Jenny’s Hair and Nails Studio, providing nail services to a client. Ms. Amado was not licensed in the state of Wisconsin at the time the services were provided.
5. During the inspection on September 24, 2004, the investigator also found;

improper reuse of disposable equipment (nail files),
failure to change Barbicide daily,
acrylic powder and liquid polymer improperly being used on multiple clients.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondents **Jenny's Hair and Nails Studio & Juanita De Jesus** have violated:
 - a. Wisconsin Statutes §§ 454.04(1)(a) and 454.04(1)(d), and Wisconsin Administrative Code sections BC 2.06(1) and BC 2.04(1) by authorizing an unlicensed employee to provide services to clients;
 - b. Wisconsin Administrative Code §§ BC 4.01(3) and BC 4.10(4) by not disposing of equipment that cannot be cleaned and disinfected or sterilized;
 - c. Wisconsin Administrative Code §§ BC 4.01(1), BC 4.02(5) and BC 4.10(2) by failing to change disinfectant used for decontamination daily; and
 - d. Wisconsin Administrative Code § BC 4.01(4) by failing to dispense from a container in a manner which will prevent contamination of the unused portion of the substance.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Jenny's Hair and Nails Studio & Juanita De Jesus**, license # 80 32095, and license # 81 29980, be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay COSTS in the amount of \$300.00,
3. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,000.00.
4. Respondents shall make a \$400.00 payment no later than May 9, 2005.
5. Respondent shall make a \$400.00 payment no later than September 9, 2005.
6. Respondent shall make a \$500.00 payment no later than December 9, 2005.

Payments 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
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative

impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondent's licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

8. This Order is effective on the date of its signing.

IT IS FURTHER ORDERED, that file, 04 BAC 064 is hereby closed.

Dated this 7th day of March, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer