

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 :
 :
ROBIN SMET, THE AESTHETIC SPA, : **FINAL DECISION**
ASHWAUBENON ELECTROLYSIS : **AND ORDER**
CLINIC, INC. : **LS0503074BAC**

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

Robin Smet
722 S. Monroe Avenue
Green Bay, WI 54301

The Aesthetic Spa
Ashwaubenon Electrolysis Clinic, Inc.
2830 Ramada Way
Green Bay, WI 54304

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. The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc. (Establishment) is duly licensed as an aesthetics and electrology establishment in the State of Wisconsin having license #s 069 00307 and 070 00616. The aesthetics establishment license was first granted on 08/10/00. The electrology license was first granted on 09/27/03.

2. The Establishment's most recent address on file with the Department of Regulation and Licensing ("Department") is: 2830 Ramada Way, Green Bay, Wisconsin 54304.

3. Robin Smet, date of birth 03/04/61, is the listed owner of The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc. According to Department Records, Ms. Smet is duly licensed as a barbering and cosmetology practitioner and electrologist in the State of Wisconsin having license #s 082 0042533 and 084 00258. Ms. Smet's practitioner's license was first granted to her on 03/11/81. Ms. Smet's electrologist license was first granted on 04/06/81.

4. Ms. Smet's most recent address on file with the Department is: 722 S. Monroe Avenue, Green Bay, Wisconsin 54301.

5. As owner, Ms. Smet was and is at all times relevant to this action responsible for compliance with Wisconsin

6. On or about April 17, 2003, the Department notified Ms. Smet that the Establishment was in violation of federal laws implemented by the Federal Drug Administration by improperly using the language “permanent hair removal” to refer to laser hair removal services.

7. Sometime after April 17, 2003, the language “permanent hair removal” was removed from the Establishment’s website.

8. On or about December 6, 2004, the Department received a telephone book advertisement of the Establishment that included the language “permanent hair removal” in regards to hair laser removal services. On December 14, 2004, the Establishment once again had the language “permanent hair removal” in regards to hair removal services posted on its website.

9. In resolution of this matter, Robin Smet and The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc. consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5),

3. Respondents Robin Smet and The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc., have violated:

a. Wisconsin Stat. § 454.15(2)(c) and Wisconsin Administrative Code BC § 2.05 (1) by continuing to advertise language about laser hair removal services that is inaccurate and misleading to the public.

ORDER

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

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750.00)**.

IT IS FURTHER ORDERED, that a down payment of **ONE THOUSAND DOLLARS (\$1,000.00)** shall be submitted within thirty (30) days from the date of this order and another payment of **ONE THOUSAND DOLLARS (\$1,000.00)** will be due within three months until the full **TWO THOUSAND DOLLARS** is paid. 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, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Robin Smet or The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc. fails to timely submit payment of the forfeiture and costs as set forth above, Robin Smet’s Barbering and Cosmetology Practitioner’s License # 082 0042533 and Electrologist License # 084 00258 and The Aesthetic Spa, Ashwaubenon Electrolysis Clinic, Inc. Establishment license #s 069 00307 and 070 00616 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 02 BAC 049 be, and hereby is, closed as to all Respondents.

Dated this 7th day of March, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer