

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**

**NATALYA BENDT,
KIDS CUTS : LS0506062BAC**

RESPONDENTS

Division of Enforcement Case File #: **03 BAC 008**

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

Natalya Bendt
3153 HWY 51 S
Janesville, WI 53546

Kids Cuts
1264 Milton Avenue
Janesville, WI 53547

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. Kids Cuts is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 030633. This license was first granted on 09/20/02.

2. Kids Cuts most recent address on file with the Department of Regulation and Licensing (“Department”) is: 1264 Milton Avenue, Janesville, WI 53547.

3. Natalya Bendt, date of birth 03/19/75, is the listed owner of Kids Cuts. According to Department Records, Ms. Bendt is duly licensed as both a barbering and cosmetology manager and practitioner in the State of Wisconsin having license #'s 081 030102 and 082 081628. Ms. Bendt's barbering and cosmetology manager's license was first granted on 08/26/04. Ms. Bendt's barbering and cosmetology practitioner's license was first granted on 01/23/03.

4. Ms. Bendt's most recent address on file with the Department is: 3153 HWY 51 S, Janesville, WI 53546.

5. As owner, Ms. Bendt was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2 and 3.

6. On or about October 22, 2004, an inspection of Kids Cuts was performed by an investigator from the Department. The inspection revealed the following violations:

the establishment license was found to be in expired status since July 7, 2003;

there was no listed manager record for Kids Cuts since May 11, 2004 and the Department had not been notified of such a change;

poisonous substances were not being stored in a locked cabinet or closet.

7. On or about October 25, 2004, Department records indicate that Ms. Bendt became the listed manager of record for Kids Cuts.

8. On the same day of the inspection, the investigator issued a barbering and cosmetology citation to Kids Cuts for poisonous substances not being stored in a locked cabinet or closet. Payment for the citation was received on December 9, 2004.

9. On or about December 10, 2004, Department records indicate that the status of Kids Cuts establishment license was changed from expired to active.

10. In resolution of this matter Natalya Bendt and Kids Cuts consent 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. § 227.44(5),

3. Respondents Natalya Bendt and Kids Cuts have violated:

a. Wisconsin Stat. §§ 454.08 (1)(b) and Wisconsin Administrative Code §§ BC 2.04(1), 2.045(1) by providing barbering and cosmetology services with an expired establishment license;

b. Wisconsin Administrative Code §§ BC 2.06 (5) and 3.02 (1) by failing to notify the Department of a change in manager of record.

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 THOUSAND DOLLARS (\$2,000.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **THREE HUNDRED DOLLARS (\$300.00)**.

IT IS FURTHER ORDERED, that a down payment of **ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150.00)** shall be submitted within thirty (30) days from the date of this order and another payment of **ONE THOUSAND HUNDRED FIFTY DOLLARS (\$1,150.00)** will be due within two months (60 days) from the date of the order until the full **THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)** is paid. Payments shall be made by **certified check or mon 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**

IT IS FURTHER ORDERED, that in the event that Natayla Bendt and Kids Cuts fail to timely submit payment of the forfeiture and costs as set forth above, Natalya Bendt's barbering and cosmetology manager's and practitioner's licenses #s 081 0030102 and 082 081628 along with Kids Cuts Establishment license # 080 030633 **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, 03 BAC 008 be, and hereby is, closed as to all Respondents.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer
A Member of the Board

June 6, 2005
Date