

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
JILL M. POLAKOWSKI, : LS# 0506068BAC
RESPONDENT. :

Division of Enforcement Case 04 BAC 073

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

Jill M. Polakowski
1431 S. 85th Street
West Allis, WI 53214

Division of Enforcement
Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Barbering and Cosmetology Examining Board
Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Barbering and Cosmetology Examining Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Jill M. Polakowski (Respondent), date of birth May 2, 1971, is duly licensed as a manicurist (license #85-2446) and aesthetician (license #86-672) in the state of Wisconsin. The manicurist license was first granted on May 6, 1996, and the aesthetician license was first granted on July 8, 2002.

2. Respondent's most recent address on file with the Board is 1431 S. 85th Street, West Allis, WI 53214.

3. Wisconsin Department of Regulation and Licensing (Department) records reflect that Respondent was listed as the owner and responsible licensee for Trejolie Nail Design, a manicuring establishment that was licensed by the Department from July 1, 1999, through June 30, 2001 (license #71-1462), and was located at 11607 W. Bluemound Road, Suite 103, Wauwatosa, WI. Trejolie Nail Design no longer has a valid manicuring establishment license.

4. On November 17, 2004, an investigator from the Department called telephone number (414) 302-9912 and

heard the following message on the answering machine:

Hello and thank you for calling Trejolie Nail Design. I'm sorry I'm either busy with a client or I am away from my studio. However, your call is very important to me so please leave your name, telephone number, along with a brief message, and I'd be happy to return your call as soon as possible. If you are a new client wishing to book a nail appointment, please note that my hours are Monday, Tuesday, Wednesday, Thursday and occasional weekend availability. Thank you for calling and have a nice day.

5. At all times relevant to this Order, telephone number (414) 302-9912 was assigned to 1431 S. 85th Street, West Allis, WI 53214.

6. On November 29, 2004, a Department investigator spoke to Respondent and Respondent's friend, Tracey Krueger, at Respondent's home at 1431 S. 85th Street, West Allis, WI. At the time the investigator visited Respondent's home, Krueger appeared to be receiving an artificial nail application service from the Respondent.

7. Respondent and Krueger admitted at that time that they bartered services, with Respondent providing manicuring services to Krueger and Krueger, in return, providing personal training and yoga services to Respondent. Respondent also admitted to bartering manicuring services in return for house cleaning services, and to receiving money from a neighbor in return for providing manicuring services to the neighbor.

8. Department records do not reflect any current manicuring establishment license for 1431 S. 85th Street, West Allis, WI.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stats. §§ 454.15(2) and (3) and is authorized to enter into the attached Stipulation and this Order pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraphs 3 through 8, above, violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.04(1), 2.045(1), 2.05(1), and 3.01(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent shall, within 90 days from the date of this Order, pay to the Department of Regulation and Licensing a FORFEITURE OF ONE THOUSAND DOLLARS (\$1,000.00) and COSTS OF EIGHT HUNDRED AND THIRTY-SEVEN DOLLARS AND SIXTY-THREE CENTS (\$837.63) in a single payment of ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN DOLLARS AND SIXTY-THREE CENTS (\$1,837.63). Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

2. 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 licenses. 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 Respondent fails to timely submit any payment of the forfeiture or costs as set forth above the Respondent's licenses (#85-2446 and #86-672) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer
A Member of the Board

June 6, 2005
Date