

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**
:
LISA L. TURNER, : **LS05091210BAC**
TANGLES HAIR SALON :
:
RESPONDENTS :

Division of Enforcement Case File #: **03 BAC 046**

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

Attn: Lisa L. Turner
Tangles Hair Salon
143 3rd Street
Baraboo, WI 53913

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

PROCEDURAL HISTORY

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. Tangles Hair Salon is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 032542. This license was granted on 11/19/04.
2. Tangles Hair Salon's most recent address on file with the Department of Regulation and Licensing ("Department") is: 143 3rd Street, Baraboo, Wisconsin 53913.
3. Lisa L. Turner, date of birth 01/08/69, is the listed owner and manager on the application of record for Tangles Hair Salon. According to Department records, Ms. Turner is duly licensed as a barbering and cosmetology manager in the State of Wisconsin having license # 081 0024809. This license was first granted on 05/27/92.
4. Ms. Turner's most recent address on file with the Department is: 143 ½ 3rd Street, Baraboo, Wisconsin 53913.
5. As owner, Ms. Turner was and is at all times relevant to this action responsible for compliance with Wisconsin

6. On or about April 15, 2003 the Department received an anonymous complaint alleging that Tangles Hair Salon was operating with a new owner that had not notified the Department of a change in ownership. The complaint also alleged that Ms. Turner was working after her barbering and cosmetology manager's license had expired.

7. Department records indicate that Ms. Turner's barbering and cosmetology manager's license was changed from active to expired status on July 9, 2001. Department records indicate that Ms. Turner's license would not be changed from expired to active status until April 7, 2003.

8. On or about November 19, 2004, an inspection of Tangles Hair Salon was performed by an investigator with the Department. The inspection revealed that Tangles Hair Salon was owned and operated by Ms. Turner. Ms. Turner explained that she had purchased Tangles Hair Salon from the previous owner two months before the inspection. Ms. Turner also stated that she had been managing the business since April 2003.

9. At the time of the November 19, 2004 inspection of Tangles Hair Salon, the establishment was operating with an expired license (#080-030132). The previous license was granted to the establishment on 11/19/01 and expired on 07/01/03. At no time prior to the November 19, 2004 inspection was the Department notified of a change in ownership of Tangles Hair Salon.

10. The November 19, 2004 inspection also revealed that Terry L. Ballard (#085-001272) was operating Terry at Tangles; a separate manicuring establishment under a verbal lease agreement within Tangles Hair Salon. The inspection revealed that Ms. Ballard did not have a written agreement with Ms. Turner for Terry at Tangles. The inspection also revealed that Ms. Ballard had not applied for an establishment license for Terry at Tangles.

11. The November 19, 2004 inspection at Tangles Hair Salon also revealed that the Barbicide solution was not being changed on a daily basis.

12. On or about November 19, 2004, Ms. Turner applied for and was granted a new establishment license for Tangles Hair Salon.

13. On or about June 8, 2005, Ms. Ballard was granted a manicuring establishment license (#071 002705) for Terry at Tangles. Department records also indicate that Ms. Ballard and Ms. Turner have entered into a written lease agreement for Terry at Tangles within Tangles Hair Salon.

14. In resolution of this matter, Lisa L. Turner and Tangles Hair Salon 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. Respondent Lisa L. Turner has violated:

Wis. Stat. § 454.04 (1)(a) by failing to maintain a current barbering and cosmetology manager's license between the dates of July 9, 2001 and April 7, 2003.

4. Respondents Lisa L. Turner and Tangles Hair Salon have violated:

- a. Wis. Stat. § 454.08 (1)(b) and Wis. Admin. Code § BC 3.06(1) by failing to notify the Department of changes in ownership;
- b. Wis. Stat. § 454.08 (1)(b)(2) and Wis. Admin. Code §§ BC 2.04(1) and 3.02 (2) by permitting Terry L. Ballard to operate a manicuring establishment within Tangles Hair Salon without having first obtained a

written lease agreement and a manicuring establishment license; and

- c. Wis. Admin. Code § BC 4.02(5) by failing to change the Barbicide solution on a daily basis.

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 SIX HUNDRED DOLLARS (\$2,600.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted thirty (30) days from the date of this order and four more payments of **SIX HUNDRED FIFTY DOLLARS (\$650.00)** will be made every three months from the previous payment until the full **THREE THOUSAND ONE HUNDRED DOLLARS (\$3,100.00)** 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
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event that Lisa A. Turner and Tangles Hair Salon fail to timely submit payment of the forfeiture and costs as set forth above, Lisa A. Turner's barbering and cosmetology manager's license (#081 0024809) and the establishment license for Tangles Hair Salon (# 071 0032542) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said 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 046, be and hereby is, closed as to Lisa A. Turner and Tangles Hair Salon.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer