

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 : AMENDED
:FINAL DECISION AND ORDER
JACQUELINE S. ROBINSON OFTEDAHL, :
LISA M. NESS, : LS0509125BAC
TERRY J. LACKORE, :
VILLAGE SHEARS, :
RESPONDENTS. :

Division of Enforcement Case File #: 03 BAC 090

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

Attn: Jacqueline S. Robinson Oftedahl
Village Shears
1003 Main Street
Cameron, WI 54822

Attn: Lisa M. Ness
Village Shears
1003 Main Street
Cameron, WI 54822

Terry J. Lackore
2137 13 ¼ Street
Cumberland, WI 54829

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. Village Shears is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #'s: 080-26370 and 080-26371. These licenses were both granted on 04/25/97.
2. The most recent address on file with the Department of Regulation and Licensing (“Department”) for both establishments are: 1003 Main Street, Cameron, Wisconsin 54822.

3. Jacqueline S. Robinson Oftedahl, date of birth 11/13/59, is the listed owner and manager on the application of record for Village Shears (#080-26370). According to Department records, Ms. Robinson Oftedahl is duly licensed as a barbering and cosmetology manager in the State of Wisconsin having license # 081-23515. This license was first granted on 11/02/89.

4. Ms. Robinson Oftedahl's most recent address on file with the Department is: 406 Arlington Avenue, Cameron, Wisconsin 54822.

5. Lisa M. Ness, date of birth 09/27/65, is the listed owner and manager on the application of record for Village Shears (#080-26371). According to Department records, Ms. Ness is duly licensed as a barbering and cosmetology manager in the State of Wisconsin having license # 081-18500. This license was first granted on 07/11/88.

6. Ms. Ness's most recent address on file with the Department is: 1898 13 ½ 14th Avenue, Cameron, Wisconsin 54822.

7. Terry J. Lackore, date of birth 07/12/57, is licensed as a manicurist in the State of Wisconsin having license #085-005203. This license was granted on 02/19/03.

8. Ms. Lackore's most recent address on file with the Department is: 2137 13 ¼ Street, Cumberland, Wisconsin 54829.

9. As owners, Ms. Robinson Oftedahl and Ms. Ness were and are 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, 3 and 4.

10. On or about July 6, 2003, the Department received an anonymous complaint alleging that Village Shears was being kept in an unsanitary condition.

11. On or about June 29, 2005, an inspection of Village Shears was performed by an investigator with the Department. The inspection revealed that three separate establishments were operating at the above-noted address for Village Shears. The inspection revealed that two of the establishments at Village Shears (080-26370 and 080-26371) were operating with active credentials. However, the inspection revealed that Ms. Lackore was operating a manicuring establishment without a manicuring establishment license.

12. The June 29, 2005 inspection also revealed the following sanitation violations:

barbicide solution was not being changed on a daily basis;

a substantial amount of hair clippings were found on the counter; and

Ms. Ness was observed to not have washed her hands before she provided services to a different client.

13. On or about July 27, 2005, Ms. Lackore was granted a manicuring establishment license (#071 002745) for Village Shears.

14. In resolution of this matter, Respondents Jacqueline S. Robinson Oftedahl, Lisa M. Ness, Terry Lackore and Village Shears 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 Jacqueline S. Robinson Oftedahl, Lisa M. Ness and Village Shears have violated:
 - a. Wis. Stat. § 454.08 (1)(b)(2) and Wis. Admin. Code §§ BC 2.04(1) and 3.02 (2) by permitting Terry J. Lackore to operate a manicuring establishment within Village Shears without having first obtained a written lease agreement and a manicuring establishment license;
 - b. Wis. Admin. Code § 3.01 (1) by failing to dispose of hair clippings properly; and
 - c. Wis. Admin. Code § BC 4.02(5) by failing to change the barbicide solution on a daily basis.
4. Respondent Lisa M. Ness has violated:

Wis. Admin. Code § BC 4.01(2) by failing to wash her hands in between clients.
5. Respondent Terry J. Lackore has violated:

Wis. Stat. § 454.08 (1)(b)(2) and Wis. Admin. Code §§ BC 2.04(1) and 3.02 (2) by operating a manicuring establishment within Village Shears without having first obtained a written lease agreement and a manicuring establishment license.

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 **EIGHT HUNDRED DOLLARS (\$800.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **ONE THOUSAND SIX HUNDRED DOLLARS (1,600.00)**.

IT IS FURTHER ORDERED, that a down payment of **FOUR HUNDRED DOLLARS (\$400.00)** shall be submitted within thirty (30) days from the date of this order and five more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be made every three months from the previous payment until the full **TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00)** 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 Jacqueline S. Robinson Oftedahl (#081-23515), Lisa M. Ness (#081-18500), Terry J. Lackore (#085-005203) and Village Shears (#'s 080-26370, 080-26371, 071-002745) fail to timely submit payment of the forfeiture and costs as set forth above, all above-mentioned licenses **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 090, be and hereby are, closed as to all Respondents.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer