

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 |
| | : | |
| NICOLE E. SCHUMACHER, | : | |
| AND KNEADED RELIEF LLC., | : | LS0602062BAC |
| RESPONDENTS. | : | |

Division of Enforcement Case No. 05 BAC 002

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

Nicole E. Schumacher
651 S. Park St.
Madison, WI 53715

Kneaded Relief LLC.
651 S. Park St.
Madison, WI 53715

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. **Kneaded Relief LLC.** is licensed in the State of Wisconsin as an Aesthetics and Manicuring Establishment, license # 69 189, and 71 2683. The Aesthetics license was first granted on 01/21/98, the manicuring license was granted on 05/05/05. The most recent address on file with the Department of Regulation and Licensing for this establishment is 651 S. Park St., Madison, WI 53715.
2. **Nicole E. Schumacher**, is listed with the Department of Regulation and Licensing as the co-owner of Kneaded Relief LLC. As co-owner, Ms Schumacher was at all times relevant to this action responsible for compliance with Wis. Stat. § 454 and Wis. Adm. Code §§ BC 2, and BC 3.
3. Ms. Schumacher is licensed in the State of Wisconsin as an Aesthetician, license # 86 416. This license was first granted to her on 09/14/99. The most recent address on file with the Department of Regulation and Licensing for Ms Schumacher is 651 S. Park St., Madison, WI 53715.

4. Duke Harvey is also a co-owner of Kneaded Relief LLC. Mr. Harvey is not a licensee.

5. On May 5, 2005, an investigator from the Department of Regulation and Licensing performed an inspection at Kneaded Relief LLC. During the inspection Ms. Schumacher admitted to the investigator that manicuring services were being performed at Kneaded Relief. At the time of the inspection, Kneaded Relief was not licensed as a Manicuring Establishment.

6. Duke Harvey obtained a Manicuring Establishment license for Kneaded Relief the same day as the inspection.

CONCLUSIONS OF LAW

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

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

3. Respondents **Kneaded Relief LLC. and Nicole E. Schumacher** have violated:

- a. Wisconsin Stat. § 454.08(1)(d), and Wis. Adm. Code §§ BC 2.04(1) and BC 3.01(1) by authorizing manicuring services to be provided in an unlicensed establishment.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Kneaded Relief LLC. and Nicole E. Schumacher**, license # 71 2683, and license # 86 416, be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay COSTS in the amount of \$1000.00.

3. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,000.00.

4. Respondents shall make the **first payment of \$500.00** no later than 30 days from the date of this Order.

5. Respondent shall make the **second payment of \$500.00** no later than 60 days from the date of this Order.

6. Respondent shall make the **third payment of \$500.00** no later than 90 days from the date of this Order.

7. Respondent shall make the **forth payment of \$500.00** no later than 120 days from the date of this Order.

Payment 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

8. 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 license. 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 Respondents fail to timely submit any payment as ordered, then the Respondents' licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

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

Dated this 6th day of February, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush