

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
JANET B. STUDESVILLE. :
JUST NAILS. : LS0604038BAC
 :
RESPONDENTS. :

[Division of Enforcement Case File #: 05 BAC 003]

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

Janet B. Studesville
5775 Auburn Drive
Madison, WI 53711

Just Nails
2990 Cahill Main
Madison, WI 53711

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. Just Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 0001376. This license was granted on 01/28/99.
2. Just Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 2990 Cahill Main, Madison, Wisconsin 53711.
3. Janet B. Studesville, date of birth 12/21/44, is the listed owner of Just Nails. Department records indicate that Ms. Studesville holds both a State of Wisconsin manicurist credential (#085 000365; granted: 11/07/83) and a

manicuring instructor credential (#074 000100; granted: 09/14/90).

4. Ms. Studesville's most recent address on file with the Department is: 5775 Auburn Drive, Madison, Wisconsin 53711.

5. As owner of Just Nails, Ms. Studesville 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 4.

6. On or about February 4, 2005, the Department received a complaint alleging that Just Nails was providing waxing services in its manicuring establishment. Attached to the complaint was a Just Nails brochure advertising the waxing services.

7. On or about March 25, 2005, an inspection of Just Nails was performed by an investigator with the Department. The investigator recovered a brochure from the establishment. The brochure advertised "Waxing Hair Removal Services" on its front cover and the information on waxing inside the brochure had been crossed out. The inspection also revealed that the barbicide at some of the workstations was not being changed on a daily basis.

8. During the course of the March 25, 2005 inspection, the investigator questioned the manager of Just Nails about advertising waxing as a service. The manager indicated that at one point and time, waxing was a service that was offered by Just Nails. The manager also indicated that when Just Nails found out that manicuring establishments could not offer waxing, they immediately stopped offering the service.

9. On or about April 8, 2005, Ms. Studesville stated in an e-mail letter to the Department that Just Nails started offering waxing services two years ago. Ms. Studesville stated that Just Nails stopped offering the services in February 2005.

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 Just Nails and Janet B. Studesville have violated:

a. Wis. Stats. §§ 454.04 (1)(b), 454.08(2)(a)(b) and Wis. Admin. Code §§ BC 2.03(2), 2.04 (1), and 2.045(1) by providing waxing services in an establishment that was not licensed to provide such services; and

b. Wis. Admin. Code § BC 4.02(5) by not changing the barbicide on a daily basis.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Respondents are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND DOLLARS (\$1,000.00)**.

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 within thirty (30) days from the date of this order and two more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due within sixty (60) days from the previous payment until the full **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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 Janet B. Studesville and Just Nails fail to timely submit payment of the forfeiture and costs as set forth above, the manicuring licenses for Janet B. Studesville (#s 085 000365 and 074 0000100) and the establishment license for Just Nails (# 071 0001376) **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 05 BAC 003, be and hereby is, closed as to all Respondents.

Dated this 3rd day of April, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

BY: Jeannie M. Bush