

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
 :
HAIR CUTTERY #2115 : LS0606052BAC
RESPONDENT. :
 :

[Division of Enforcement Case File #: 04 BAC 072]

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

Hair Cuttery #2115
7000 Green Bay Road
Kenosha, WI 53142

Creative Hairdressers Inc.
DBA Hair Cuttery
1577 Spring Hill Road, Suite 500
Vienna, VA 22182

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. Hair Cuttery #2115 (“Hair Cuttery”) is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 00025786. This license was granted on 06/13/96.
2. Hair Cuttery’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 7000 Green Bay Road, Kenosha, Wisconsin 53142.
3. Creative Hairdressers Inc. D/B/A Hair Cuttery (“Creative Hairdresser’s Inc.”) is the listed owner of Hair Cuttery.

4. Creative Hairdressers Inc.'s most recent address on file with the Department is: 1577 Spring Hill Road, Suite 500, Vienna, Virginia 22182.

5. As an owner, Creative Hairdressers Inc 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 Chapter 3.

6. On or about September 17, 2004, the Department received a complaint alleging that Hair Cuttery did not have a licensed manager working in the establishment and that the salon did contain isopropyl alcohol in case of cuts and exposure to blood.

7. On or about May 26, 2005, an investigator from the Department made an unannounced inspection of Hair Cuttery. The investigator issued administrative citations to the practitioners for the following sanitation violations:

substantial amounts of hair clippings being found in the workstation drawers where clean brushes, clippers, and combs were being stored;

substantial amounts of hair being found in the bottom portion of the shampoo bowl; and

workstations not having topical antiseptics.

8. During the course of the May 26, 2005 inspection, the investigator spoke with Paula Conner (#82 72929; granted: 11/09/92), who identified herself as the manager of Hair Cuttery. After further investigation, Department records revealed that Ms. Conner only held a practitioner's license and not a manager's license. The Department's investigation further revealed that there had been no manager of record at Hair Cuttery between January 2004 and August 2005.

9. In resolution of this matter, Hair Cuttery #2115 consents 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 Hair Cuttery #2115 has violated:

Wis. Stat. § 454.08 (6) and Wis. Admin. Code § BC 3.02(1) by not employing a licensed manager of record from the period of January 2004 through August 2005.

ORDER

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

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

IT IS FURTHER ORDERED, that the Respondent 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 the Respondent 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 sixty (60) days from the previous payment until the full **ONE THOUSAND FIVE DOLLARS (\$1,500.00)** is paid. Payment to 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 Hair Cuttery #2115 fails to timely submit payment of the forfeiture and costs as set forth above, the establishment license for Hair Cuttery #2115 (# 080 25786) **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 04 BAC 072, be and hereby is, closed as to all Respondents.

Dated this 5th day of June, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush