

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
	:	FINAL DECISION AND ORDER
DANNETTE M. WEISMAN,	:	LS0609117BAC
RESPONDENT.	:	

Division of Enforcement Case File Number 05 BAC 033

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Dannette M. Weisman
7612 Suffolk Down Road
Sun Prairie, Wisconsin 53590

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Dannette M. Weisman (Date of Birth is December 31, 1970), 7612 Suffolk Down Road, Sun Prairie, Wisconsin 53590, is duly licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license number 82-76625). This license was first granted on March 3, 1997, and is current through June 30, 2007.
2. Ms. Weisman is also duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license number 81-30804). This license was first granted on October 27, 2005, and is current through June 30, 2007.
3. Ms. Weisman is also duly licensed as a barbering or cosmetology instructor in the state of Wisconsin (license number 81-1309). This license was first granted on September 14, 1999, and is current through June 30, 2007.
4. From approximately 2003 to 2005, Ms. Weisman performed barbering or cosmetology services for payment on a co-worker at a trucking company. The trucking company was not a licensed barbering or cosmetology establishment.
5. In resolution of this matter, Dannette M. Weisman consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

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

3. By conduct referred to in Paragraph 4 of the Findings of Fact, Dannette M. Weisman has violated:

1. Wis. Stat. Sec. 454.08(1)(b). No person may practice barbering or cosmetology in an establishment unless that establishment is licensed to provide that practice.
2. Wis. Stat. Sec. 454.15(2)(i). Violated this chapter or any rule promulgated under this chapter.
3. Wis. Admin. Code § BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
4. Wis. Admin. Code § BC 2.045(1). Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes due to illness or disability or who are in institutions.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Dannette M. Weisman is hereby reprimanded.

IT IS FURTHER ORDERED that Dannette M. Weisman shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100.00).

IT IS FURTHER ORDERED that Dannette M. Weisman shall pay to the Department of Regulation and Licensing full costs of FIVE HUNDRED SEVENTY FIVE dollars (\$575.00) in this matter.

Payment shall be submitted within 90 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
Post Office Box 8935
Madison, WI 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event that Dannette M. Weisman fails to comply with all the terms of the Order as set forth above, the barbering or cosmetology practitioner license of Dannette M. Weisman (#82-76625), the barbering or cosmetology manager license of Dannette M. Weisman (#81-30804) and the barbering or cosmetology instructor license of Dannette M. Weisman (#83-1309) **SHALL BE SUSPENDED**, without further notice or hearing, until Dannette M. Weisman has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

9/11/06
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
 :
 :
DANNETTE M. WEISMAN, :
RESPONDENT. :

STIPULATION
LS# _____

Division of Enforcement Case File Number 05 BAC 033

It is hereby stipulated between Dannette M. Weisman, on her own behalf, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (05 BAC 033). Ms. Weisman consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Weisman understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Ms. Weisman is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Ms. Weisman agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Ms. Weisman waives all rights to any appeal of the attached order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Ms. Weisman or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Weisman is informed that should the Board adopt this stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department policy.

8. The Division of Enforcement joins Dannette M. Weisman in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Dannette M. Weisman Respondent 7612 Suffolk Down Road Sun Prairie, Wisconsin 53590 License Numbers 82-76625 81-303804 and 83-1309	Date
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John C. Temby Attorney Division of Enforcement Post Office Box 8935 Madison, Wisconsin 53708-8935	Date
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