

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**
 :
KERRY J. BEENEY. :
 : **LS070422BAC**
 :
RESPONDENT. :

[Division of Enforcement Case File #: **04 BAC 085**]

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

Kerry J. Beeney
870 Collins Street
Clyman, WI 53016

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. Kerry J. Beeney (formerly Kerry May), date of birth: 04/19/75, is duly licensed as a barbering and cosmetology practitioner in the State of Wisconsin having license #082 0081996. This license was granted on 05/01/03.

2. Ms. Beeney's most recent address on file with the Department of Regulation and Licensing ("Department") is: 870 Collins Street, Clyman, Wisconsin 53016.

3. Ms. Beeney was employed at Hair It Is Styling Salon (#080 23490; granted: 05/27/94) from 2001-2005. Hair It Is Styling Salon's most recent address with the Department is: 913 Madison Avenue, Fort Atkinson, Wisconsin 53538.

4. At the time of the allegations listed below, Ms. Beeney was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454.

5. On or about October 6, 2004, the Department received a complaint alleging that Ms. Beeney had engaged in theft at Hair It Is Styling Salon.

6. On or about September 27, 2004, an investigator from the Fort Atkinson Police Department met with Ms. Beeney to discuss the above-mentioned allegations. On that same day, Ms. Beeney admitted that she did charge the full amount of services provided but would pocket some of the money from the services and not correctly report it to her employer. A true and correct copy of the September 27, 2004 interview is attached as **Exhibit A** and is incorporated herein by reference.

7. On or about April 19, 2005, Ms. Beeney was charged with one count of felony theft of over \$2,500.00. Additional facts from the case indicate that between the dates of April 23, 2002 through September 15, 2004, Ms. Beeney took \$2,772.45 from services provided to patrons on ninety-seven (97) occasions with the intent to defraud her employer. A true and correct copy of the Criminal Complaint in Jefferson County Case #2005CF000182 is attached as **Exhibit B** and is incorporated herein by reference.

8. On or about September 12, 2006, Ms. Beeney was convicted of two counts of a class A misdemeanor, theft of movable property with an amount greater than \$2,500.00. Ms. Beeney was ordered to pay restitution, additional costs/fees, maintain employment as approved by her probation agent, not interfere with the management and business of Hair It Is Styling Salon, and comply with any assessment and therapies as ordered by the probation agent. A true and correct copy of the Judgment of Conviction is attached as **Exhibit C** and is incorporated herein by reference.

9. In resolution of this matter, Kerry J. Beeney consents to 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 Kerry J. Beeney has violated:

Wis. Stat. § 454.15(2)(c) by engaging in dishonest and fraudulent conduct as an employee at Hair It Is Styling Salon between the periods of April 23, 2002 through September 15, 2004.

ORDER

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

IT IS FURTHER ORDERED, that the **VOLUNTARY SURRENDER** of Respondent Kerry J. Beeney's barbering and cosmetology practitioner's license #082-81996, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges granted to Ms. Kerry J. Beeney pursuant to barbering and cosmetology practitioner's license #082-81996 are terminated effective on the date of this Order.

IT IS FURTHER ORDERED, that Ms. Beeney shall not be granted a credential under chapter 454 of the Wisconsin Statutes for a minimum period of five years subsequent to the date of this Order. During the five year period subsequent to the date of this Order, the denial, in whole or in part, of any application or petition by Ms. Beeney for a credential authorized under chapter 454 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01 (3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that at any time after five years subsequent to the date of this Order, that Ms. Beeney may petition the Barbering and Cosmetology Examining Board for reinstatement of a Barbering and Cosmetology Practitioner's license. This petition will be granted if it affirmatively and unequivocally states in writing, signed under oath, the following:

1. That Ms. Beeney has not engaged in the practice of barbering and cosmetology in the State of Wisconsin during the time she was not been licensed;
2. That Ms. Beeney has not been the subject of further disciplinary action by the State of Wisconsin. "Further disciplinary action" shall be further limited to include only disciplinary actions that substantially relate to the Respondent's competence and integrity to practice barbering and cosmetology;
3. That Ms. Beeney is not, at the time of the filing of the Petition with the Board, a subject of a pending investigation by the Division of Enforcement of the Department of Regulation and Licensing;
4. That Ms. Beeney has not been arrested or charged with criminal activity that substantially relates to the practice of barbering and cosmetology since the voluntary surrender of her barbering and cosmetology credential; and
5. That Ms. Beeney has not been convicted of any crime that substantially relates to the practice of barbering and cosmetology since the voluntary surrender of her barbering and cosmetology credential.

IT IS FURTHER ORDERED, that if Ms. Beeney ever petitions for reinstatement or applies for any license offered by the Department of Regulation and Licensing in the State of Wisconsin, then she shall pay the costs of investigating and prosecuting this matter in the amount of **ONE THOUSAND TWO HUNDRED DOLLARS** (\$1,200.00) before such petition or application may be considered.

IT IS FURTHER ORDERED, that failure to adhere to the terms of this Order will be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, **04 BAC 085** be, and hereby is, closed as to the Respondent.

Dated this 2nd day of April, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush