

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
CAROLYN A. GILLEY,	:	FINAL DECISION AND ORDER
	:	LS0706043BAC
RESPONDENT.	:	
	:	

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Division of Enforcement Case File Number: 04 BAC 078

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

Carolyn A. Gilley  
2050 Huron Circle  
Apartment H  
Grafton, Wisconsin 53024

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

**PROCEDURAL HISTORY**

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. Carolyn A. Gilley (Date of Birth of January 18, 1977) is duly licensed in the state of Wisconsin as a manicurist (license number 85-6230). That license was first granted on October 27, 2005, and is current through June 30, 2007. The last address reported to the Department of Regulation and Licensing (hereinafter Department) by Ms. Gilley is 2050 Huron Circle, Apartment H, Grafton, Wisconsin 53024.
2. Ms. Gilley started employment as a manicurist at About Face, 11014 North Port Washington Road, Mequon, Wisconsin 53092, presently a duly licensed barbering and cosmetology establishment in the state of Wisconsin (license number 80-20510), beginning in June 2005.
3. On July 20, 2005, Investigator Douglas Austin from the Department inspected About Face. Investigator Austin found during the inspection that the establishment license for About Face had expired on July 1, 2005, and had not been renewed. The establishment license for About Face was renewed on July 21, 2005.
4. Shortly after the inspection, Investigator Austin, through records kept at the Department, determined that Ms. Gilley graduated from the Nail Tech Academy on July 15, 2005. Ms. Gilley took the manicurist test on September 12, 2005. Ms. Gilley applied for and received her manicurist license on October 27, 2005. Ms. Gilley was never granted a license to practice as a manicurist in the state of Wisconsin at the time of the July 20, 2005,

inspection. Ms. Gilley was never granted a temporary permit to practice as a manicurist in the state of Wisconsin at the time of the July 20, 2005, inspection.

4. In resolution of this matter, Carolyn A. Gilley consents to the entry of 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. Stats. sec. 454.15.

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

3. By the conduct referred to in the above Findings of Fact, Carolyn A. Gilley has violated:

1. Wis. Stats. Sec. 454.04(1)(d). No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetology license, manager license, temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction.
2. Wis. Stat. sec. 454.08(b). Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice under sub.(2).
3. Wis. Stats. Sec. 454.15(2)(i). Any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
4. Wis. Admin. Code § BC 2.03(2). Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.
5. 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.
6. Wis. Admin. Code § BC 2.045. Licensees shall not provide personal care services outside of a licensed establishment, except for persons who are unable to leave their homes because of illness or disability or for person who are in hospitals, nursing homes, correctional institutions or other institutions.

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Carolyn A. Gilley shall pay to the Department of Regulation and Licensing a forfeiture of TWO HUNDRED dollars (\$200.00).

IT IS FURTHER ORDERED that Carolyn A. Gilley shall pay costs in the amount of ONE HUNDRED TWENTY FIVE dollars (\$125.00) in this matter.

All payments 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, Wisconsin 53708-8935  
608-261-7904

**IT IS FURTHER ORDERED** that in the event Carolyn A. Gilley fails to timely submit any payment of the forfeiture and costs as set forth above, the manicurist license of Carolyn A. Gilley (license number 85-6230) **SHALL BE SUSPENDED**, without further notice or hearing until Carolyn A. Gilley 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

6/4/07  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

CAROLYN A. GILLEY,  
  
RESPONDENT.

STIPULATION  
LS#07 \_\_\_\_\_ BAC

Division of Enforcement Case File Number: 04 BAC 078

It is hereby stipulated between Carolyn A. Gilley and Claudia Berry Miran, 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 (04 BAC 078). Ms. Gilley consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Gilley understand 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 against her; 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. Gilley has been provided an opportunity to obtain legal counsel prior to signing this stipulation.
4. Ms. Gilley agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (hereafter “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. Gilley 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. Gilley 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. Gilley 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 Carolyn A. Gilley in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**Carolyn A. Gilley**

Respondent

2050 Huron Circle, Apartment H

Grafton, Wisconsin 53024

License Number: 85-6230

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Date

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**Claudia Berry Miran**

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

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Date