

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

LAURA L. GRAHAM,
RESPONDENT.

FINAL DECISION AND ORDER
LS0706044BAC

Division of Enforcement Case File Number: 05 BAC 096

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

Laura L. Graham
57 Pearl Street
Clintonville, Wisconsin 54929-1260

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. Laura L. Graham (Date of Birth is July 11, 1968) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-29555). This license was first granted on July 28, 2003, and is current through June 30, 2007. From July 1, 2005, through December 16, 2005, the license was expired. The last address provided by Ms. Graham to the Department of Regulation and Licensing (Department) is 84 East 12th Street, Clintonville, Wisconsin 54929. The Department has learned that Ms. Graham presently resides at 57 Pearl Street, Clintonville, Wisconsin 54929-1260.

2. Laura L. Graham was also licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license #82-53266). That license was first granted on November 2, 1987, and expired on July 1, 2003. The license has not been renewed.

3. On December 12, 2005, Investigator Douglas Austin from the Department inspected Off the Top, a licensed barbering and cosmetology establishment, located at 9C 11th Street, Clintonville, Wisconsin 54929. Investigator Austin observed Ms. Graham performing manicuring services on a client. Investigator Austin asked Ms. Graham to show him her current license. Ms. Graham replied that she had forgotten her license. Ms. Garham was adamant with Investigator Austin that she had a license. Investigator Austin confirmed via a telephone call with the Department that Ms. Graham's barbering and cosmetology manager license had been expired since July 8, 2005, and Investigator Austin informed Ms. Graham of that fact. Investigator Austin informed Ms. Graham and the manager of Off the Top that Ms. Graham could not work without a license.

4. On December 19, 2005, Investigator Austin telephoned Diane Conradt at Hair Clinic, a licensed barbering and cosmetology establishment, located at 45 South Main Street, Clintonville, Wisconsin 54929. Ms. Conradt is identified in records of the Department as manager of Hair Clinic. Ms. Conradt informed Investigator Austin that Ms. Graham had worked at Hair Clinic for approximately six weeks beginning on July 12, 2005. Ms. Graham rented a chair from Hair Clinic, though there was no written agreement between Ms. Graham and the establishment. Ms. Conradt asked for Ms. Graham's manager license three times and Ms. Garham always said that she had forgotten the license and that it was still at home. Ms. Graham was asked to leave Hair Clinic by Ms. Conradt after six weeks.

5. In resolution of this matter, Laura L. Graham 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 Laura L. Graham has violated:
 1. Wis. Stat. sec. 454.04(1)(a). Except as permitted under paragraphs (b) and (d), no person may engage in barbering or cosmetology unless that person has received training in the areas of service provided and holds a current barber or cosmetology license, manager license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.
 2. Wis. Stat. 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 cosmetologist license, manager license, temporary permit or training 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.
 3. Wis. Stat. sec. 454.15(2)(i), which provides that any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Laura L. Graham (license numbers 81-29555 and 82-53266) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that Laura L. Graham shall pay full costs shall pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND dollars (\$1,000.00)** and full costs in this matter in the amount of **FIVE HUNDRED dollars (\$500.00)**.

All payments shall be submitted within 120 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 Laura L. Graham fails to timely submit any payment of the forfeiture and

costs as set forth above, the barbering and cosmetology manager license and (license #81-29555) and the barbering or cosmetology practitioner license (license #82-53266) of Laura L. Graham **SHALL BE SUSPENDED**, without further notice or hearing, until Laura L. Graham 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

LAURA L. GRAHAM,
RESPONDENT.

STIPULATION

LS # _____

Division of Enforcement Case File Number: 05 BAC 096

It is hereby stipulated between Laura L. Graham, 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 096). Ms. Graham consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Graham understands that by the signing of this Stipulation she voluntarily and knowingly waive 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. Graham has been provided an opportunity to obtain legal counsel prior to signing this stipulation.

4. Ms. Graham 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. Graham 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 Barbering and Cosmetology Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Ms. Graham 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. Graham 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 Laura L. Graham in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Laura L. Graham

Respondent

57 Pearl Street

Clintonville, Wisconsin 54929-1260

License numbers 81-29555 and

82-53266

Date

John C. Temby

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date