

# 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	:	
	:	
PATRICIA A. PIENTKEWIC,	:	FINAL DECISION AND ORDER
RESPONDENT.	:	LS07091012BAC
	:	

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Division of Enforcement Case File Number 06 BAC 033

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

Patricia A. Pientkewic  
819 First Street  
Rothschild, Wisconsin 54474

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. Patricia A. Pientkewic (Date of Birth is May 24, 1972) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #8-29776). This license was first granted on January 23, 2004, and is current through June 30, 2007. The last address Ms. Pientkewic reported to the Department of Regulation and Licensing (Department) is 819 First Street , Rothschild, Wisconsin 54474.
2. Michael Priebe, Colonial Property 5, L.L.C., Post Office Box 928, Wausau, Wisconsin 54402, owns a building located at 326 Washington Street, Wausau, Wisconsin. The 236 Washington Street address is known as Divine Designs Salon, and is not a licensed barbering or cosmetology establishment in the state of Wisconsin. Mr. Priebe only rents out booth space at Divine Designs Salon and is not involved in the day to day running of the salon. Mr. Priebe does not perform barbering or cosmetology services at Divine Designs Salon.
3. From November 2005, through June 2006, Ms. Pientkewic had a written lease agreement for a booth rental with Mr. Priebe at Divine Designs Salon. During that time period, the booth was not licensed as barbering or cosmetology establishment, which is contrary to Wisconsin Administrative Code § 3.02(2)(b).
4. In resolution of this matter, Patricia K. Pientkewic 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. 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 3 of the Findings of Fact, Patricia K. Pientkewic has violated:
  1. Wis. Stat. sec. 454.08(1)(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).
  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 because of illness or disability or for person who are in hospitals, nursing homes, correctional institutions or other institutions.
  5. Wis. Admin. Code § BC 2.08(1)(b). Licensees holding current licenses or permits granted under ch. 454, Stats., shall:
    - (b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.
  6. Wis. Admin. Code § BC 3.01(1). Barbering and cosmetology, aesthetics, electrology and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. BC 2.045.
  7. Wis. Admin. Code § BC 3.02(1). The owner of a barbering and cosmetology establishment shall not operate the establishment unless a licensed manager has been employed for the establishment.
  8. Wis. Admin. Code § BC 3.02(2)(b). The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a manager's and an establishment license.

## ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Patricia A. Pientkewic pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00). Patricia A. Pientkewic shall also pay costs in the amount of SIX HUNDRED dollars (\$600.00) in this matter. Payment shall be submitted on the following payment schedule:

<b>Date</b>	<b>Amount</b>
October 15, 2007	\$133.00
December 15, 2007	\$133.00
February 15, 2008	\$133.00
April 15, 2008	\$133.00
June 15, 2008	\$133.00
August 15, 2008	\$133.00
October 15, 2008	\$133.00
December 15, 2008	\$133.00
February 15, 2009	\$133.00
April 15, 2009	\$133.00
June 15, 2009	\$133.00
August 15, 2009	<b>\$137.00</b>

The full amount of the forfeiture and costs may be paid at any time prior to each due date for payment.

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 Patricia A. Pientkewic fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology manger license of Patricia A. Pientkewic (license number 81-29776) **SHALL BE SUSPENDED**, without further notice or hearing until Patricia A. Pientkewic 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	9/10/07
	A member of the Board	Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

PATRICIA A. PIENTKEWIC, :  
RESPONDENT. :  
: STIPULATION  
: LS#07 \_\_\_\_\_ BAC  
:

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Division of Enforcement Case File Number 06 BAC 033

It is hereby stipulated between Patricia A. Pientkewic 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 (06 BAC 033). Ms. Pientkewic consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Pientkewic 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. Pientkewic 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. Pientkewic 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. Pientkewic 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. Pientkewic 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 advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Pientkewic 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 Patricia A. Pientkewic in recommending the Barbering and Cosmetology

Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
**Patricia A. Pientkewic**

Respondent  
819 First Street  
Rothschild, Wisconsin 54474  
License Number 81-29776

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Claudia Berry Miran**

Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date