

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 :
SCOTT A. YANCE. :
: LS07091015BAC :
RESPONDENT. :

[Division of Enforcement Case File #'s: 04 BAC 050, 04 BAC 051]

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

Scott A. Yance
Erik of Norway, LTD
1505 West Mequon Road
Mequon, WI 53092

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. Scott A. Yance, date of birth: 09/19/69, is duly licensed as a barbering and cosmetology manager in the State of Wisconsin having license #081 0026325. This license was first granted on 12/21/95.
2. Mr. Yance’s most recent business address on file with the Department of Regulation and Licensing (“Department”) is: 1505 West Mequon Road, Mequon, Wisconsin 53092.
3. Department records indicate that Mr. Yance is the responsible manager of record at Erik of Norway, LTD (“Erik of Norway”) (#80-26682; granted: 08/27/97).

4. At the time of the allegations listed below, Mr. Yance was listed in Department records as the responsible manager at Malcolm of London d/b/a Kwof (#80-33455; granted: 09/27/05).

5. At the time of the allegations listed below, Mr. Yance was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, chapter 454. Mr. Yance is also responsible for compliance with Wisconsin Administrative Code, sections BC 2 and 3.

6. On June 16, 2004 the Department received two consumer complaints about unprofessional conduct occurring at Malcolm of London.

7. The September 22, 2005 inspection revealed that Malcolm of London was operating without an establishment license. At the time of the September 22, 2005 inspection, the Department's investigation revealed that a change of ownership had occurred at Malcolm of London; however, the Department had not been notified of such a change. Prior to the change in ownership and continuing thereafter, Mr. Yance, was acting as the responsible manager of record of the salon. Department records indicate that an establishment license was issued for Malcolm of London, September 27, 2005.

8. During the Department's investigation into the allegations against Malcolm of London, it was discovered that a change in the responsible manager for the salon had occurred in March 2006. The Department was not notified of who became the responsible manager at Malcolm of London until February 21, 2007.

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 Scott A. Yance has violated:

- a. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ 2.04(1); 2.045(1); 2.07(1); 2.08(1); 3.01(1); 3.06(1) by failing to ensure that Malcolm of London had received a new establishment license after a change of ownership had occurred at the salon; and
- b. Wis. Stat. § 454.15(2)(c) and Wis. Admin. Code § 2.07(1); 2.08(1)(b) for failing to notify the Department that he had ceased acting as the responsible manager at Malcolm of London in the spring of 2006.

ORDER

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

IT IS FURTHER ORDERED that Respondent Scott A. Yance is hereby **REPRIMANDED** for the conduct set forth above.

IT IS FURTHER ORDERED, that Respondent Scott A. Yance shall pay a forfeiture in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that Respondent Scott A. Yance pay costs in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

Payments of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be made monthly beginning sixty days (60) from the date this Order and will continue to be paid every ninety days (90) from the previous payment until the full **ONE THOUSAND DOLLARS** is paid. Payments 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
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event Scott A. Yance fails to timely submit payment of the costs as set forth above, Scott A. Yance's license (#081-0026325) shall be **SUSPENDED** without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing. Failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that files **04 BAC 050, and 04 BAC 051** be, and hereby are, closed as to Scott A. Yance.

Dated this 10th day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush