

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 :

JACQUELINE C. BAKER, :

FINAL DECISION AND ORDER

LS0709101BAC

RESPONDENT. :

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:

Jacqueline C. Baker
211 North 63rd Street
Milwaukee, Wisconsin 53213-4136

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. Jacqueline C. Baker (Date of Birth of January 12, 1984) is duly licensed in the state of Wisconsin as a barbering or cosmetology practitioner (license number 82-84939). That license was first granted on August 30, 2005, and is current through June 30, 2007. Ms. Baker was granted a temporary barbering or cosmetology practitioner license on May 13, 2005. The last address reported to the Department of Regulation and Licensing (hereinafter Department) by Ms. Baker is 3367 South 113th Street, West Allis, Wisconsin 53227. The Department has found that Ms. Baker presently resides at 211 North 63rd Street, Milwaukee, Wisconsin 53213-4136.

2. Ms. Baker started employment as an apprentice at About Face, 11014 North Port Washington Road, Mequon, Wisconsin 53 092, a duly licensed barbering and cosmetology establishment in the state of Wisconsin (license number 80-20510), beginning in January 2005. Ms. Baker continued to be employed at About Face while under a temporary license and after being granted her barbering or cosmetology practitioner license.

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. Investigator Austin also found that Michelle Erlich's, the manager of record for About Face, manager license had expired on July 1, 1999, and had not been renewed. The establishment license for About Face was renewed on July 21, 2005. Ms. Erlich renewed her manager license on July 25, 2005.

4. Investigator Austin reinspected About Face on August 5, 2005. Investigator Austin found that the new establishment license was not posted, nor were any practitioner licenses. One of the owners of About Face posted the practitioners licenses while Investigator Austin was present.

5. In resolution of this matter, Jacqueline C. Baker 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, Jacqueline C. Baker has violated:

1. Wis. Stat. sec. 454.06(7). The examining board shall furnish a certificate to each licensee, certifying the holder is licensed to practice barbering or cosmetology, aesthetics, electrology or manicuring or is a licensed manager. The licensee shall post the certificate in a conspicuous place in the licensed establishment.
2. Wis. Stats. Sec. 454.10(3). No apprentice may practice barbering or cosmetology except under the supervision of a licensed manager.
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 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
5. Wis. Admin. Code § BC 2.04(2). Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.
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.
7. 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.
8. 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.

ORDER

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

IT IS FURTHER ORDERED that Jacqueline C. Baker shall pay costs in the amount of ONE HUNDRED TWENTY FIVE

dollars (\$125.00) in this matter.

Payment shall be submitted in four (4) installments. The installments shall be submitted on the following payment schedule:

Payment Number	Due Date	Payment Amount
1	September 15, 2007	\$81.25
2	December 15, 2007	\$81.25
3	March 15, 2008	\$81.25
4	June 15, 2008	\$81.25

Ms. Baker may pay the full amount of the forfeiture and costs at any time prior to each due date for payment.

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 Jacqueline C. Baker fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology practitioner license of Jacqueline C. Baker (license number 82-84939) **SHALL BE SUSPENDED**, without further notice or hearing until Jacqueline C. Baker 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

9/10/07
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JACQUELINE C. BAKER,

RESPONDENT.

STIPULATION
LS#07 _____ BAC

Division of Enforcement Case File Number: 04 BAC 078

It is hereby stipulated between Jacqueline C. Baker 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. Baker consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Baker understand 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. Baker has been provided an opportunity to obtain legal counsel prior to signing this stipulation.

4. Ms. Baker 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. Baker 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. Baker 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. Baker 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 Jacqueline C. Baker in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Jacqueline C. Baker

Respondent

211 North 63rd Street

Milwaukee, Wisconsin 53213-4136

License Number: 82-84939

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date