

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	:	
	:	
ALISON KIDD-SMITH and	:	FINAL DECISION AND ORDER
STYLEZ TALK, L.L.C.,	:	LS0802042BAC
RESPONDENTS.	:	
	:	

Division of Enforcement Case File Number: 07 BAC 152

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

Alison Kidd-Smith
3901 North 53rd Street
Milwaukee, Wisconsin 53216

Stylez Talk, L.L.C.
8350 West Brown Deer Road
Milwaukee, Wisconsin 53223

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, WI 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 Barbering and Cosmetology Examining Board (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. Alison Kidd-Smith (Date of Birth is May 19, 1971), 3901 North 53rd Street, Milwaukee, Wisconsin 53216, is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license #81-31742). That license was first granted on July 24, 2007, and is current through March 31, 2009.
2. Ms. Kidd-Smith is also duly licensed in the state of Wisconsin as a barbering and cosmetology practitioner (license number 82-75707). That license was first granted on January 3, 1996, and is current until March 31, 2009.

3. Stylez Talk, L.L.C., 8350 West Brown Deer Road, Milwaukee, WI 53223, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #80-34587). This license was first granted on December 19, 2006, and is current through March 31, 2009. Alison Kidd-Smith is listed with the Department of Regulation and Licensing as the owner of Stylez Talk, L.L.C. As owner of a licensed barbering and cosmetology establishment, Ms. Kidd-Smith is responsible for compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.

4. An inspection of Stylez Talk, L.L.C., by Investigator Douglas Austin of the Department on August 9, 2007, found the following:

- a. Significant hair accumulation in drawers.
- b. Shampoo bowls were not being kept in a clean and sanitary manner
- c. Disinfectant used for decontamination was not changed on a daily basis.
- d. Laundry did not have a germicidal agent added to the detergent
- e. Apprentice Lazarus Brewington's (600- 79332) apprentice license could not be seen in the position it was posted.
- f. Mr. Brewington's apprentice license reveals that he is indentured to Ebony II Total Look Salon, not Stylez Talk, L.L.C.
- g. Apprentice Mark Thomas (license number 600-76557) told Investigator Austin that he had started work at Stylez Talk, L.L.C., that day. Investigator Austin found that Mr. Thomas was not indentured with Stylez Talk, L.L.C. Mr. Thomas is indentured through Starting Lineup II, 3620 West Silver Spring Drive, Milwaukee, Wisconsin 53209.

5. During the inspection, Alison Kidd-Smith told Investigator Austin that she was the manager of Stylez Talk, L.L.C. Department records show that Everner Miller was the manager of record of Stylez Talk, L.L.C., at the time of the inspection. It is unknown when Ms. Miller left her employment as the manager of Stylez Talk, L.L.C.

6. In resolution of this matter, Alison Kidd-Smith and Stylez Talk, L.L.C., 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 Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Stats. 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.

4. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated 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. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 2.06(2). The owner of any licensed establishment shall be responsible for compliance with ch. 454,

Stats., and chs. BC 2, 3 and 4. The owner shall:

- (2) Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

6. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 2.06(3). The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4. The owner shall:

- (3) Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.

7. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 2.06(5). The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4. The owner shall:

- (5) In the case of an owner of a barbering and cosmetology establishment, employ a manager who shall have direct authority over the operations of the establishment. If the manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the

establishment for no more than 90 days without a manager. The owner shall notify the board that the manager is no longer employed or has become otherwise unavailable within 10 days following the manager's last day of employment.

8. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 3.01(1). Establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, shall at all times be in good repair and maintained in an orderly and sanitary condition.

9. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 4.01(1). All areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.

10. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 4.01(5). Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.

11. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 4.02(1). Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers.

12. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code § BC 4.02(5). Disinfectant used for decontamination shall be changed daily and kept in a covered container.

13. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C., have violated Wis. Admin. Code § BC 4.02(6). Laundry shall be disinfected by washing with a solution containing a germicidal compound.

14. By the conduct referred to in Findings of Fact 4. and 5., Alison Kidd-Smith and Stylez Talk, L.L.C. have violated Wis. Admin. Code BC 6.04(1). The establishment owner

to whom an apprentice is indentured shall employ a licensed manager to be responsible to supervise the training of the apprentice. Apprentices shall not work without the supervision of a licensed manager.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Alison Kidd-Smith (license number 81-31742) and Stylez Talk, L.L.C., (license number 80-34587) are **REPRIMANDED**.

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Alison Kidd-Smith and Stylez Talk, L.L.C., shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND FIVE HUNDRED** dollars (\$2,500.00).

IT IS FURTHER ORDERED that Alison Kidd-Smith and Stylez Talk, L.L.C., shall jointly pay costs in the amount of **FIVE HUNDRED** dollars (\$500.00) in this matter.

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 Alison Kidd-Smith and Stylez Talk, L.L.C., fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering and cosmetology practitioner license of Alison Kidd-Smith (82-75707), the barbering and cosmetology manager license of Alison Kidd-Smith (license number 81-31742) and the establishment license of Stylez Talk, L.L.C., (license number 80-34587) **SHALL BE SUSPENDED**, without further notice or hearing, until Alison Kidd-Smith and Stylez Talk, L.L.C., have 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

2/4/08
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
ALISON KIDD-SMITH and	:	STIPULATION
STYLEZ TALK, L.L.C.,	:	LS #08 _____ BAC
RESPONDENTS.	:	
	:	

Division of Enforcement Case File Number: 07 BAC 152

- It is hereby stipulated between Alison Kidd-Smith and Stylez Talk, L.L.C., (herein after “Respondents”), 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 (07 BAC 152). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
 2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
 3. Respondents have been provided an opportunity to obtain legal counsel prior to signing this Stipulation.
 4. Respondents agree to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining 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. Respondents waive 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 the Respondents or their 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. Respondents are 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 Alison Kidd-Smith and Stylez Talk, L.L.C., in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Alison Kidd-Smith

Respondent

3901 North 53rd Street

Milwaukee, Wisconsin 53216

License Number 81-31742 and

82-75707

Date

Stylez Talk, L.L.C.

Respondent

8350 West Brown Deer Road

Milwaukee, Wisconsin 53223

License Number 80-34587

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date