

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	:	
	:	
LINDA S. LECLAIRE,	:	FINAL DECISION AND ORDER
RESPONDENT.	:	LS0802043BAC
	:	

Division of Enforcement Case File Number 04 BAC 031

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

Linda S. LeClaire
34230 Washington Avenue
Burlington, Wisconsin 53105

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. Linda S. LeClaire (Date of Birth is March 28, 1949) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-17023). This license was first granted on August 5, 1985, and is current through March 31, 2009. The last address Ms. LeClaire reported to the Department of Regulation and Licensing (Department) is 34230 Washington Avenue, Burlington, Wisconsin 53105.
2. On March 20, 2004, a customer requested that Ms. LeClaire dye the hair on the back of her hair purple. Ms. LeClaire first applied a hair lightener product to customer’s hair on the back of the head. That portion of the customer’s hair was covered with plastic and placed near a heat source.
3. The customer soon felt a burning sensation of the scalp on the back of her head. Ms. LeClaire washed the customer’s hair attempting to get the hair lightener product out of the hair.
4. After washing the customer’s hair, Ms. LeClaire continued the dying process. Ms. LeClaire placed the purple pigment on the hair at the back of the customer’s head and then washed and rinsed the affected area. Ms. LeClaire then applied a brown semi-permanent acid color mixture to all of the customer’s hair. The customer still complained of a burning sensation on the back of her head during the dying process.

5. Soon after the procedure, the customer noticed large clumps of hair coming off the back of her head after brushing.

6. A doctor who examined the customer diagnosed a chemical burn to the scalp. A portion of the back of the customer's head is bald due to the chemical burn.

7. Ms. LeClaire did not perform any patch test prior to application of the hair lightener. The package that contained the hair lightener stated that the product could cause an allergic reaction and stated that no heat source be used with the product.

8. Ms. LeClaire did not perform any patch test prior to the application of the brown semi-permanent acid color mixture. The package in which the mixture came stated that a patch test is recommended prior to application.

9. In resolution of this matter, Linda S. LeClaire 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 Paragraphs 2., 3., 4., 7. and 8., of the above Findings of Fact, Linda S. LeClaire has violated Wis. Stat. Sec. 454.15(2)(c). Engaged in the practice of barbering or cosmetology, aesthetics, electrology or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.

4. By conduct referred to in Paragraphs 2., 3., 4., 7. and 8., of the above Findings of Fact, Linda S. LeClaire has violated Wis. Stat. Sec. 454.15(2)(i). Violated this chapter or any rule promulgated under this chapter.

5. By conduct referred to in Paragraphs 2., 3., 4., 7. and 8., of the above Findings of Fact, Linda S. LeClaire has violated Wis. Admin. Code § BC 2.03(1). Services provided by any licenses shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

6. By conduct referred to in Paragraphs 2., 3., 4., 7. and 8., of the above Findings of Fact, Linda S. LeClaire has violated Wis. Admin. Code § BC 2.03(5). Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when providing services.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Linda S. LeClaire (license number 81-17023) **is REPRIMANDED.**

IT IS ORDERED that Linda S. LeClaire shall within one (1) year from the effective date of this Order, successfully complete 16 (sixteen) hours of continuing education in hair coloring and tinting. Linda S. LeClaire shall submit proof of successful completion of the continuing education to the Department Monitor.

IT IS ALSO ORDERED that Linda S. LeClaire shall pay to the Department of Regulation and Licensing full costs of TWO THOUSAND dollars (\$2,000.00).

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 Linda S. LeClaire fails to complete any and all terms of the Order as set forth above, the barbering or cosmetology manager license of Linda S. LeClaire (license number 81-17023) **SHALL BE SUSPENDED**, without further notice or hearing until Linda S. LeClaire 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

2/4/08
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

LINDA S. LECLAIRE, :
RESPONDENT. :
STIPULATION :
LS#08 _____ BAC :

Division of Enforcement Case File Number 04 BAC 031

It is hereby stipulated between Linda S. LeClaire 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 031). Ms. LeClaire consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. LeClaire 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. LeClaire 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. LeClaire 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. LeClaire 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. LeClaire 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. LeClaire 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 Linda S. LeClaire in recommending the Barbering and Cosmetology

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

Linda S. LeClaire

Respondent
34230 Washington Avenue
Burlington, Wisconsin 53105
License Number 81-17023

Date

Claudia Berry Miran

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

Date