

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

**STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
TRADE SECRET-STORE #7404. :
RESPONDENT. : **LS0802046BAC**

Division of Enforcement Case File #: **07 BAC 018**

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

Trade Secret-Store #7404
4800 Golf Road #96
Eau Claire, WI 54701

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. Trade Secret-Store #7404 (“Trade Secret”), is duly licensed as a barbering and cosmetology establishment having license #080-30206. This license was granted: 01/10/02.

2. Trade Secret’s most recent address with the Department of Regulation and Licensing (“Department”) is: 4800 Golf Road #96, Eau Claire, Wisconsin 54701.

3. As a barbering and cosmetology establishment, Trade Secret was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2, 3 and 4.

4. On or about February 15, 2007, the Department received a consumer complaint alleging Trade Secret was being kept in an unsanitary condition and there was no manager on site at the salon. The matter was subsequently opened for investigation.

5. On or about April 18, 2007, a Department consumer protection investigator conducted an inspection of Trade

Secret. The following sanitation violations were found during the inspection:

Poisonous substances that were stored in the public bathroom were not locked or stored in a cabinet or closet;

Individual workstations did not contain a topical antiseptic; and

Laundry was not being disinfected properly because it was not being washed with a germicidal agent.

6. The April 18, 2007 inspection also revealed that Trade Secret was operating without a full-time manager on site during business hours. The Department's investigation would later determine that Trade Secret had not had a full-time manager since July 6, 2005.

7. A Notice of Compliance was issued to the salon at the time of inspection and returned to the Department by a Trade Secret Representative agreeing to correct the violations found during the inspection.

8. On or about August 28, 2007, a follow up inspection was conducted of Trade Secret by a Department investigator. The inspection revealed that barbering and cosmetology services were being provided by a licensed practitioner although no full time manager had been obtained for Trade Secret.

9. In resolution of this matter, Trade Secret consents to the entry of the following Conclusions of Law and Order.

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, Trade Secret has violated:

- a. Wis. Stat. § 454.08(6) and Wis. Admin. Code §§ BC 2.06(5) and 3.02(1) by providing barbering and cosmetology services without obtaining a full-time manager to oversee the daily operations of the establishment;
- b. Wis. Admin. Code § BC 3.01(6) by failing to store poisonous substances in a locked cabinet or closet;
- c. Wis. Admin. Code § BC 4.02(6) by failing to disinfect laundry with a solution containing a germicidal compound; and
- d. Wis. Admin. Code § BC 4.04(1) by failing to have an approved antiseptic (as approved by BC 4.05) at all workstations.

ORDER

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

IT IS FURTHER ORDERED, that Respondent, Trade Secret shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100.00)**.

IT IS FURTHER ORDERED, that Respondent, Trade Secret shall jointly and severally pay costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that a down payment of **ONE THOUSAND DOLLARS (\$1000.00)** shall be submitted within thirty (30) days from the date of this order and three more payments of **SEVEN HUNDRED DOLLARS (\$700.00)**, due sixty (60) days from the previous payment until the full **THREE THOUSAND ONE HUNDRED DOLLARS (\$3,100)** paid.

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
PO Box 8935
Madison, WI 53708-8935
Telephone 608-261-7904
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that Trade Secret fails to timely submit payment of the forfeiture and costs as set forth above, Trade Secret's barbering and cosmetology practitioner's license, #080-30206 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 07 BAC 018 be, and hereby is, closed as to Trade Secret-Store #7404.

Dated this 4th day of February, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush