

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/wscqa>.
- 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 :
DISCIPLINARY PROCEEDINGS AGAINST :

SUSAN G. AUNE,
RESPONDENT.

:
: FINAL DECISION AND ORDER
: LS0804071BAC
:

Division of Enforcement Case File Number 07 BAC 105

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

Susan G. Aune
4320 Tabor Road
Racine, Wisconsin 53402

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. Susan G. Aune, (Date of Birth: July 23, 1966) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-29443). This license was first granted on May 1, 2003, and is current until March 31, 2009. The last address Ms. Aune reported to the Department of Regulation and Licensing (Department) is 4320 Tabor Road, Racine, Wisconsin 53402.

2. On August 10, 2007, Department Investigator Candace Bloedow observed Ms. Aune providing barbering and cosmetology services at 4320 Tabor Road, Racine, Wisconsin 53402. That address is the home of Ms. Aune. On August 10, 2007, the Tabor Road address was not licensed as a barbering or cosmetology establishment in the state of Wisconsin.

3. On August 13, 2007, 4320 Tabor Road, Racine, Wisconsin was licensed as a barbering or cosmetology establishment, known as Susies Hair House.

4. In resolution of this matter, Susan G. Aune 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. § 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. § 227.44(5).

3. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated Wis. Stat. § 454.08(1)(b). Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrolysis or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

4. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated Wis. Stat. § 454.15(2)(c). Engaged in the practice of barbering or cosmetology, aesthetics, electrolysis or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.

5. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated Wis. Stat. § 454.15(2)(i). Any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.

6. By the conduct referred to in Findings of Fact 2., Susan G. Aune has 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, electrolysis or manicuring.

7. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated 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.

8. By the conduct referred to in Finding of Fact 2., Susan G. Aune has violated Wis. Admin. Code § BC 2.045(1). Licensees shall not provide personal care services outside of a licensed establishment except for person who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions.

9. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated 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.

10. By the conduct referred to in Findings of Fact 2., Susan G. Aune has violated Wis. Admin. Code § BC 3.01(1). Barbering and cosmetology, aesthetics, electrolysis 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 Susan G. Aune shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00).

IT IS FURTHER ORDERED that Susan G. Anne shall also pay costs to the Department of Regulation and Licensing in the amount of FIVE HUNDRED TWENTY-SIX dollars (\$525.00).

IT IS FURTHER ordered that a down payment of costs and forfeiture in the amount of **\$128.00** shall be submitted within thirty (30) days from the effective date of this Order. Seven further payments of costs and forfeiture in the amount of **\$128.00** shall be due every ninety (90) days from the previous payment until the full ONE THOUSAND TWENTY-FIVE dollars (\$1,025.00) is 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
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event Susan G. Aune fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology manager license of Susan G. Aune (license number 81-29443) **SHALL BE SUSPENDED**, without further notice or hearing, until Susan G. Aune 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

4/7/08
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

SUSAN G. AUNE,
RESPONDENT.

STIPULATION
LS# 08 _____ BAC

Division of Enforcement Case File Number 07 BAC 105

It is hereby stipulated between Susan G. Aune, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of an investigation by the Division of Enforcement (07 BAC 105). Ms. Aune consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Aune 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. Aune 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. Aune 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. Aune 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. Aune 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 case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Aune 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 Departmental policy.
8. The Division of Enforcement joins Susan G. Aune in recommending the Barbering and Cosmetology Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Susan G. Aune

Date

Respondent

4320 Tabor Road

Racine, Wisconsin 53402

License Number: 81-29443

John C. Temby

Date

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935