

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
HOT SPOT, LAURA R. HOMANN, AND :
SABRINA A. LIVINGSTON, :
RESPONDENTS. : LS0806022BAC

Division of Enforcement Case No. 07 BAC 190

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

Hot Spot
628 Water Street
Eau Claire, WI 54703

Laura R. Homann
2729 Darmel Street.
Eau Claire, WI 54703

Sabrina A. Livingston
3022 Blakely Avenue
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

- Respondent **Hot Spot** is licensed in the state of Wisconsin as a barbering and cosmetology establishment, license # 80-33938. This license was first granted to it on 04/24/06 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for this establishment is 628 Water Street, Eau Claire, WI 54703.
- Respondent **Laura R. Homann** is licensed in the state of Wisconsin as a manicurist, license # 85-3558. This license was first granted to her on 08/31/199 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Homann is 2729 Darmel Street, Eau Claire, WI 54703.

3. Respondent **Sabrina A. Livingston** is licensed in the state of Wisconsin as a barbering or cosmetology manager, license # 81-31143. This license was first granted to her on 06/23/06 and is current through 03/21/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Livingston is 3022 Blakely Avenue, Eau Claire, WI 54701.

4. Respondent **Amy L. Brehm** is licensed in the state of Wisconsin as a barbering or cosmetology practitioner, license # 82-83806. This license was first granted to her on 11/15/04 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Brehm is 223 Twin Oak Drive, Altoona, WI 54720.

5. Ms. Homann is listed with the Department of Regulation and Licensing as the owner Hot Spot. As the owner of this establishment, Ms. Homann was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

6. Ms. Livingston is listed with the Department of Regulation and Licensing as the manager of Hot Spot. A manager, Ms. Livingston was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3, and BC 4.

7. On August 29 and August 30, 2007, an investigator from the Department of Regulation and Licensing performed an inspection at Hot Spot.

8. The inspection revealed that an expired establishment license was posted for Hot Spot. Follow-up investigation by the investigator revealed that the establishment license for Hot Spot had not been timely renewed and was expired. Renewal was due by June 30, 2007, but payment for Hot Spot's license renewal was not received by the Department until August 28, 2007. Hot spot was operating during the period that its license was expired.

9. The inspection also revealed that Respondent Amy L. Brehm had an expired license. Ms. Brehm's license was due for renewal by June 30, 2007. Follow-up investigation revealed that Ms Brehm did not renew her license until August 30, 2007. The inspection revealed that Ms. Brehm provided barbering or cosmetology services to clients on at least four occasions during the time that her license was expired, and had other scheduled appointments that were "no shows" during that time period.

10. The inspection also revealed that containers of Barbicide disinfectant were not being changed daily and that licenses were not properly posted in a conspicuous place.

11. At the conclusion of the inspection on August 30, 2007, the investigator issued an Order to Correct to Sabrina Livingston, the manager of the establishment, requesting that corrective measures be taken for the violations.

12. The Order to Correct was returned to the Department stating the correction action that had been taken.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents **Hot Spot, Laura R. Homann and Sabrina A. Livingston** have violated:

- a. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ 2.045(1) and 3.01 by operating the establishment with an expired license for approximately two months;
- b. Wis. Stat. § 454.04(1)(a), and Wis. Admin. Code §§ BC 2.04(1), BC 2.06(1), and 2.07(1), by authorizing Amy L. Brehm to provide services to clients after her license had expired;

- c. Wis. Admin. Code § BC 4.02(5) by failing to insure that the disinfectant (Barbicide) was changed daily; and
- d. Wis. Admin. Code § BC 2.07(2) by failing to insure that current licenses were posted in the salon.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Hot Spot** (license # 80-33938), **Laura R. Homann** (license # 85-3558), and **Sabrina A. Livingston** (license # 81-31143) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents **Hot Spot**, **Laura R. Homann**, and **Sabrina A. Livingston** shall, jointly and severally, pay a FORFEITURE in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) within 90 days of the date of this Order and shall pay COSTS in the amount of THREE HUNDRED DOLLARS (\$300.00) within 30 days of the date of this Order.

3. 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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondents' licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Dated this 2nd day of June, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush