

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
:
SAMANTHA A. STRAUSS, :
RESPONDENT. : LS08090812BAC

Division of Enforcement Case No. 04 BAC 097

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

Samantha A. Strauss
25 Lakeview Drive
Marquette, MI 49855

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. Respondent **Samantha A. Strauss** is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-29169. This license was first granted to her on 09/19/02 and is current through 03/31/09. The most recent address on file with the Department of Regulation and Licensing for Ms. Strauss is 25 Lakeview Drive, Marquette, MI 49855.
2. A complaint was received by the Department alleging that several individuals with barbering and cosmetology practitioner licenses were renting chairs at East Town Spa Inc. without having separate manager licenses and separate establishment licenses.
3. East Town Spa Inc. is a licensed barbering and cosmetology establishment located at 718 E. Wells Street, Milwaukee, WI 53202.
4. Pursuant to Wis. Admin. Code § BC 3.02(2), the owner of a barbering and cosmetology establishment may lease a chair to a licensed individual as long as there is a written lease agreement and the lessee holds a manager’s license and an establishment license. This rule has been in effect since October 1, 2003, with a 1-year grace period for getting into compliance for any person renting a chair prior to the October 1, 2003 effective date.

5. Wis. Admin. Code § BC 3.02(2) requires, in part, that “the lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board.”

6. On September 20, 2006, two investigators from the Department of Regulation and Licensing performed an unannounced inspection at East Town Spa Inc. Ms. Strauss was present at the time of the inspection, and informed the investigators that she rented a chair from the owner of East Town Spa Inc.

7. Follow-up investigation revealed that Ms. Strauss rented a chair from the owner of East Town Spa Inc. from July 2005 to October 2006, without holding a separate establishment license for her chair rental.

8. The September 20, 2006 inspection also revealed that the disinfectant (Barbicide) at Ms. Strauss’s workstation had a significant amount of sediment in the bottom of the container. When asked how often she changed the disinfectant, Ms. Strauss said that she changed it about once a week.

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. Respondent **Samantha A. Strauss** has violated Wis. Admin. Code § BC 3.02(2)(b) by renting a chair from the owner of East Town Spa Inc. without having the required separate establishment license for her chair rental. As a result, Ms. Strauss is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

3. Respondent **Samantha A. Strauss** has violated Wis. Admin. Code § BC 4.02(5) by failing to change daily the disinfectant (Barbicide) used for decontamination. As a result, Ms. Strauss is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Samantha A. Strauss** (license # 81-29169) be, and hereby is, REPRIMANDED.
2. **Samantha A. Strauss** shall pay **COSTS** in the amount of **TWO HUNDRED DOLLARS (\$ 200.00)**.
3. **Samantha A. Strauss** shall pay a **FORFEITURE** in the amount of **FIVE HUNDRED DOLLARS (\$ 500.00)**.
4. Payment of the costs and forfeiture 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) 267-3817, Fax (608) 266-2264

5. Payment of the costs and forfeiture, which total **SEVEN HUNDRED DOLLARS (\$700.00)** shall be made according to the following schedule:

PAYMENT AMOUNT	DUE DATE
\$100.00	November 1, 2008
\$100.00	February 1, 2009
\$100.00	May 1, 2009
\$100.00	August 1, 2009
\$100.00	November 1, 2009
\$100.00	February 1, 2010
\$100.00	May 1, 2010

6. 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 Ms. Strauss's license. 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 Ms. Strauss fails to timely submit any payment as ordered, then her license (# 81-29169) SHALL BE SUSPENDED without further notice or hearing until Ms. Strauss has complied with the terms of this Order.

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

Dated this 8th day of September, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush