

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	FINAL DECISION AND ORDER
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
LORI MADES,	:	
RESPONDENT.	:	LS0809086BAC
	:	

Division of Enforcement Case File Number: 05 BAC 079

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

Lori Mades
30 West Tennessee
Oshkosh, Wisconsin 54901

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

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. Lori Mades (Date of Birth: June 20, 1960) is duly licensed as a Barbering or Cosmetology Manager in the state of Wisconsin (license number 81-17552). The license was first granted on September 8, 1986, and is current through March 31, 2009.
2. The last address Ms. Mades reported to the Department of Regulation and Licensing (Department) is 30 West Tennessee, Oshkosh, Wisconsin 54901.
3. Fantastic Sams, 2289 Westowne Avenue, Oshkosh, Wisconsin 54904 is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license number 80-32259).
4. Ms. Mades was the manager of record for Fantastic Sams from June 8, 2005, through March 16, 2008.
5. Ms. Mades was on medical leave from Fantastic Sams from May 15, 2005, through September 20, 2005. When Ms. Mades returned to Fantastic Sams in September of 2005, she reduced her work schedule to approximately 6 hours per week.
6. On March 18, 2008, Melissa Kinzfohl, a licensed Barbering or Cosmetology Manager in the state of Wisconsin (license number 82-85953), took over as manager of record for Fantastic Sams.
7. Pursuant to Wis. Stat. § 454.08(6) and Wis. Admin. Code § BC 3.02(1)(c), the licensed barbering or cosmetology manager of record of a barbering or cosmetologist establishment must be present in the establishment full time. “Full time” is

defined in Wis. Admin. Code § BC 1.01(7) as 30 hours per week, or the maximum number of hours an establishment is open if open less than 30 hours per week.

8. Fantastic Sams is open for business more than 50 hours per week.
9. By only working 6 hours per week from September 20, 2005 through March 17, 2008 as the manager of record of Fantastic Sams, Lori Mades was not working “full time” as required.
10. Lori Mades is no longer working in the barbering or cosmetology field.
11. In resolution of this matter, Lori Mades wishes to voluntarily surrender her barbering and cosmetology manager’s license.

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 not working full time as the licensed manager of record for Fantastic Sams from September 20, 2005 through March 17, 2008, Lori Mades has violated Wis. Stat. § 454.08(6) and Wis. Admin. Code § 3.02(1).
4. As a result, Ms. Mades is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Barbering and Cosmetology Board ACCEPTS the voluntary SURRENDER of Lori Mades' Wisconsin barbering and cosmetology manager license (license #81-17552), and of all rights to renew that license. Ms. Mades shall immediately return all indicia of Wisconsin Licensure to the Department Monitor, Post Office Box 8935, Madison, WI 53708-8935.

2. In the event that Ms. Mades shall ever request reinstatement or re-apply for a license to practice barbering or cosmetology in Wisconsin, the Board may determine whether, and under what terms and conditions, such request may be granted.

3. Ms. Mades shall not practice barbering or cosmetology in the state of Wisconsin, without being licensed.

4. If Lori Mades ever petitions for reinstatement of her barbering and cosmetology manager's license, or applies for any license under the purview of the Barbering or Cosmetology Examining Board, then she shall pay the costs of investigating and prosecuting this matter, in the amount of FIVE HUNDRED DOLLARS (\$500.00), before such petition or application may be considered. Payment of the costs shall be made 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) 267-3817

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

9/8/08

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	STIPULATION
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
LORI MADES,	:	
RESPONDENT.	:	LS#08 _____ BAC
	:	

Division of Enforcement Case File Number: 05 BAC 079

It is hereby stipulated between Lori Makes, Respondent, and Lara M. Herman, 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 (05 BAC 079). Ms. Makes consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Makes understands that by the signing of this Stipulation she voluntarily and knowingly waive 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 against her; 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. Makes has been provided an opportunity to obtain legal counsel prior to signing this stipulation.

4. Ms. Makes agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (hereafter “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. Makes 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 the Ms. Makes 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 Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Ms. Makes 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 Lori Makes in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Lori Mades
Respondent
30 West Tennessee
Oshkosh, Wisconsin 54901

Date

Lara M. Herman
Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date