

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**
 :
NANCY K. ORTH. : **LS0809088BAC**
ALLISON M. ANSTETT. :
SYDNEY E. BROOKS. :
AMY L. HEGENBART. :
STARRS SISTER. :

RESPONDENTS. :

Division of Enforcement Case File #: **07 BAC 184**

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

Nancy K. Orth
412 Water Street
Eau Claire, Wisconsin 54703

Allison M. Anstett
412 Water Street
Eau Claire, Wisconsin 54703

Sydney E. Brooks
412 Water Street
Eau Claire, Wisconsin 54703

Amy L. Hegenbart
412 Water Street
Eau Claire, Wisconsin 54703

Starrs Sister
412 Water Street
Eau Claire, Wisconsin 54703

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. Starrs Sister is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 16160. This license was granted on 12/19/85.
2. Starrs Sister's most recent address on file with the Department of Regulation and Licensing ("Department") is: 412 Water Street, Eau Claire, Wisconsin 54703.
3. Nancy K. Orth, date of birth: 09/11/56, is listed as the owner and manager of record for Starrs Sister. Department records indicate that Ms. Orth holds a barbering and cosmetology manager's license, #81 17086. This license was first granted on 01/24/90.
4. Ms. Orth's most recent business address on file with the Department is: 412 Water Street, Eau Claire, Wisconsin 54703.
5. Allison M. Anstett, date of birth: 04/17/83, is listed as a barbering and cosmetology practitioner at Starrs Sister, having license #082-82814. This license was first granted on 01/26/04.
6. Ms. Anstett's most recent business address on file with the Department is: 412 Water Street, Eau Claire, Wisconsin 54703.
7. Sydney E. Brooks, date of birth: 08/09/95, is listed as a barbering and cosmetology apprentice at Starrs Sister, having license #600-80128. This license was granted on 08/30/07.
8. Ms. Brooks most recent business address on file with the Department is: 412 Water Street, Eau Claire, Wisconsin 54703.
9. Amy L. Hegenbart, date of birth: 07/23/73, is listed as a barbering and cosmetology practitioner, having license #082-88032. This license was first granted on 01/15/08.
10. As licensees, Ms. Orth, Ms. Anstett, Ms. Brooks, and Ms. Hegenbart were and are at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapter 2.
11. On or about August 29, 2007, a Department consumer protection investigator conducted an inspection of Starrs Sister establishment. The inspection was conducted as part of the Wisconsin Barbering and Cosmetology Inspection Initiative. The inspection revealed that Ms. Anstett and Ms. Hegenbart had been practicing barbering and cosmetology with expired licenses. According to Department records, Ms. Anstett's license had been in expired status from July 8, 2005 until August 30, 2007. Ms. Hegenbart's apprenticeship license (#600-78694) had been in expired status since August 21, 2006. At the time of inspection, Ms. Hegenbart had not applied for her barbering and cosmetology practitioner's license. On January 15, 2008, Ms. Hegenbart would receive her barbering and cosmetology practitioner's license.
12. The August 29, 2007 inspection also revealed that Ms. Brooks was providing barbering and cosmetology services without first obtaining a barbering and cosmetology credential. Department records indicate that Mr. Brooks was issued a barbering and cosmetology apprenticeship permit on August 30, 2007.
13. Ms. Orth was the responsible owner and manager of Starrs Sister at all times relevant to this action.
14. In resolution of this matter, the Respondents consent to 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. Respondents, Nancy Orth and Starrs Sister have violated:

Wis. Stat. 454.15(2)(c) and Wis. Admin. Code §§ BC 2.04(1) and 2.07(1r) by permitting three employees to provide unlicensed barbering and cosmetology services.
4. Respondents, Allison M. Anstett, Sydney E. Brooks, and Amy L. Hegenbart have violated:

Wis. Stat. 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by providing barbering and cosmetology services without obtaining current credentials.

ORDER

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

IT IS FURTHER ORDERED, that the Respondents are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **THREE THOUSAND DOLLARS (\$3,000.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **SIX HUNDRED DOLLARS (\$600.00)**.

IT IS FURTHER ORDERED, that a down payment of **SIX HUNDRED DOLLARS (\$600.00)** shall be submitted within thirty (30) days from the date of this order and five more payments of **(\$600.00)** will be due every sixty (60) days from the pre payment until the full **FOUR THOUSAND ONE HUNDRED DOLLARS (\$3,600.00)** is paid. Payments 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**

IT IS FURTHER ORDERED, that in the event the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, the barbering and cosmetology manager's license for Nancy K. Orth (#081 17086); the barbering and cosmetology practitioner's license for Allison M. Anstett (#82-82814), the barbering and cosmetology practitioner's license for Amy L. Hegenbart (#82-88032), the barbering and cosmetology apprenticeship permit for Sydney E. Brooks (#600-80128) and the establishment license for Starrs Sister (# 080 16160) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said 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 07BAC184, be and hereby is, closed as to all Respondents.

Dated this 8th day of September, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush