

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**
 :
JANET M. GUTHERZ. : **LS08110311BAC**
JAN’S HAIR DESIGNS. :
RESPONDENTS. :

Division of Enforcement Case File #: **07 BAC 210**

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

Janet M. Gutherz
139 Diagonal Street
Dodgeville, Wisconsin 53533

Jan’s Hair Designs
139 Diagonal Street
Dodgeville, Wisconsin 53533

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. Jan’s Hair Designs is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 32272. This license was granted on 08/26/04.
2. Jan’s Hair Designs’ most recent address on file with the Department of Regulation and Licensing (“Department”) is: 139 Diagonal Street, Dodgeville, WI 53533.
3. Janet M. Gutherz, date of birth: 02/09/51, is listed as the owner and manager of record for Jan’s Hair Designs. Department records indicate that Ms. Gutherz, holds a barbering and cosmetology manager’s license, #81 13103.

This license was first granted on 03/05/75.

4. Ms. Gutherz's most recent business address on file with the Department is: 139 Diagonal Street, Dodgeville, Wisconsin 53533.

5. As licensees, Ms. Gutherz, Ms. Crubaugh, Ms. McGrath, Ms. Phillips, and Ms. Tallard 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 Chapters 2 & 3.

6. On or about September 25, 2007, a Department consumer protection investigator conducted an inspection of Jan's Hair Designs. The inspection was conducted as part of the Wisconsin Barbering and Cosmetology Inspection Initiative. The inspection revealed the following violations:

Ms. Phillips had not obtained a new establishment license for her current booth rental establishment, Betty's Blend of Beauty (#80-35331; granted: October 8, 2007);

Ms. Tallard had not obtained a new establishment license for her current booth rental establishment, Donna J. Tallard (#80-35358; granted: October 12, 2007); and

Ms. McGrath had not obtained a new establishment license for her current booth rental establishment, Styles by Sandy Salon (#80-35409; granted: October 25, 2007).

7. The September 25, 2007 inspection also revealed that Ms. Crubaugh has been practicing with an expired practitioner's license since July 8, 2005. Ms. Crubaugh would subsequently renew her license on September 26, 2007.

8. Ms. Gutherz was the responsible manager and owner at all times that are relevant to this action.

9. 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, Janet M. Gutherz and Jan's Hair Designs has violated:

- a. Wis. Stat. 454.15(2)(c) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1); 2.07(1r) and 3.01(1) by permitting three booth rental establishments to operate within Jan's Hair Designs without proper establishment credentials; and
- b. Wis. Admin. Code BC § 2.04(1) by permitting an employee to work with an expired credential for almost a two year period.

ORDER

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

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

IT IS FURTHER ORDERED, that Respondents, Jan's Hair Designs and Janet M. Gutherz shall pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250.00)**. Five payment installments from Jan Gutherz and Jan's Hair Designs of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** will be due every sixty (60) days from the date and signing of this Order.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay costs in this matter in the amount of **ONE HUNDRED DOLLARS (\$100.00)**. The costs of **ONE HUNDRED DOLLARS (\$100.00)** shall be submitted within one hundred twenty (120) days from the date and signing of this Order.

Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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**

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 Janet Gutherz (#81 13103); and the barbering and cosmetology establishment license for Jan's Hair Designs (#80 32272) **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 07BAC210, be and hereby is, closed as to Janet Gutherz and Jan's Hair Designs

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush