

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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|                                  |   |                          |
|----------------------------------|---|--------------------------|
| IN THE MATTER OF                 | : |                          |
| DISCIPLINARY PROCEEDINGS AGAINST | : | FINAL DECISION AND ORDER |
|                                  | : |                          |
| MICHELE L. NERAD AND             | : |                          |
| COST CUTTERS # 60752,            | : | LS08110315BAC            |
| RESPONDENTS.                     | : |                          |

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Division of Enforcement Case File # 06 BAC 012

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

Michele L. Nerad  
5985 S. Martin Rd.  
New Berlin, WI 53146

Cost Cutters # 60752  
Minnesota Regis Corporation  
2940 S. 108<sup>th</sup> St.  
West Allis, WI 53227

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 Michele L. Nerad is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, license # 81-30302. This license was first granted to her on 12/21/2004 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for Ms. Nerad is 5985 S. Martin Rd., New Berlin, WI 53146.
2. Respondent Cost Cutters # 60752 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-30007. This license was first granted to it on 08/23/2001 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for this establishment is 2940 S. 108<sup>th</sup> St., West

3. Ms. Nerad is listed with the Department of Regulation and Licensing as the manager of Cost Cutters # 60752. As manager, Ms. Nerad 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.

4. On February 12, 2008, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Cost Cutters # 60752. During the inspection the investigator noted the following:

- Containers containing Barbicide and Ship Shape were very dirty;
- Hair was observed on the floor and on the baseboards;
- Hair was observed on top of workstations and in workstation drawers; and
- Hair rollers that contained hair were kept in a covered container labeled “disinfected.”

5. At the conclusion of the inspection on February 12, 2008, the investigator issued an Order to Correct to Ms. Nerad, requesting that corrective measures be taken for the above mentioned violations by February 19, 2008.

6. The Order to Correct was returned to the Department and indicated that the violations had been corrected.

#### 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 Michele L. Nerad and Cost Cutters # 60752 have violated:

- a. Wis. Admin. Code § BC 3.01(1) by failing to insure that the establishment, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, was at all times in good repair and maintained in an orderly and sanitary condition;
- b. Wis. Admin. Code § BC 3.01(4) by failing to insure all floor coverings in the establishment were kept in a clean, orderly and safe condition and by failing to insure loose hair was removed regularly and placed in a closed container;
- c. Wis. Admin. Code § BC 4.01(1) by failing to insure all areas of the establishment and the equipment, tools and implements used by licensees for services in the establishment were maintained in a clean, sanitary and safe condition;
- d. Wis. Admin. Code § BC 4.02(3) by failing to insure that disinfection for combs, lifts, brushes, rollers and any other contact equipment consisted of cleaning with soap and water to remove all organic material, spraying with a tuberculocidal disinfectant as defined in s. BC 1.01, and air-drying;
- e. Wis. Admin. Code § BC 4.02(4) by failing to insure that clean and disinfected contact equipment was placed in one or more covered containers; and
- f. Wis. Admin. Code § BC 4.02(5) by failing to insure that disinfectant used for decontamination was changed daily and kept in a covered container.

3. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i)

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Michele L. Nerad, (license # 81-30302), and Cost Cutters # 60752 (license # 80-30007) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally, pay a FORFEITURE in the amount of FOUR HUNDRED DOLLARS (\$400.00) within 90 days of the date of this Order and shall pay COSTS in the amount of TWO HUNDRED DOLLARS (\$200.00) 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) 267-3817, 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 (#81-30302 and #80-30007) 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 3<sup>rd</sup> day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush