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STATE OF WISCONSIN

BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

| | | |
|---|---|--------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | |
| KIM M. PECHINSKI, CHRISTINE A. BEGGS, : | : | FINAL DECISION |
| CAROL C. HANSON, JEAN R. SCHILLINGER, | : | AND ORDER |
| CYNTHIA A. ZISKA, KAY A. AMBLE-WORDEN, | : | Case LS08110317BAC |
| LISA A. BARTON and HAIR EXPERTS, | : | |
| RESPONDENTS. | : | |

Division of Enforcement Case #07 BAC 245

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

Kim M. Pechinski
181 8th Avenue
Nekoosa, Wisconsin 54457

Christine A. Beggs
3946 Town Hall Road
Wisconsin Rapids, Wisconsin 54495

Carol C. Hanson
3910 Griffith Avenue
Wisconsin Rapids, Wisconsin 54494

Jean R. Schillinger
511 Whitter Street
Wisconsin Rapids, Wisconsin 54494

Cynthia A. Ziska
8573 Possum Trail
Wisconsin Rapids, Wisconsin 54494

Kay A. Amble-Worden
2710 32nd Street South
Wisconsin Rapids, Wisconsin 54457

Lisa A. Barton
410 12th Street South
Wisconsin Rapids, Wisconsin 54494

Hair Experts
2501 8th Street South
Wisconsin Rapids, Wisconsin 54494

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Barbering and Cosmetology Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935

PROCEDURAL HISTORY

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 Barbering and Cosmetology Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Hair Experts is licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #20851-80). That license was first granted on April 13, 1990, and is current through March 31, 2009. The last address reported to the Department of Regulation and Licensing (Department) for Hair Experts is 2501 8th Street South, Wisconsin Rapids, Wisconsin 54494.
2. Kim. M. Pechinski (date of birth: June 27, 1957) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #14766-81). That license was first granted on October 26, 1979, and is current until March 31, 2009. The last address Ms. Pechinski reported to the Department is 181 8th Avenue, Nekoosa, Wisconsin 54457. Ms. Pechinski is listed in Department records as one of the owners of, and as the manager of, Hair Experts. As part-owner and manager of a licensed barbering and cosmetology establishment, Ms. Pechinski is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.
3. Christine A. Beggs (date of birth: September 29, 1953) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #23696-81). That license was first granted on March 12, 1990, and is current until March 31, 2009. The last address Ms. Beggs reported to the Department is 3946 Town Hall Road, Wisconsin Rapids, Wisconsin 54495. Ms. Beggs is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Beggs is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.
4. Carol C. Hanson (date of birth: December 1, 1947) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #23703-81). That license was first granted on March 12, 1990, and is current until March 31, 2009. The last address Ms. Hanson reported to the Department is 3910 Griffith Avenue, Wisconsin Rapids, Wisconsin 54494. Ms. Hanson is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Hanson is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.
5. Jean R. Schillinger (date of birth: December 28, 1946) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #13774-81). That license was first granted on October 22, 1976, and is current until March 31, 2009. The last address Ms. Schillinger reported to the Department is 511 Whitter Street, Wisconsin Rapids, Wisconsin 54494. Ms. Schillinger is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Schillinger is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.
6. Cynthia A. Ziska (date of birth: January 6, 1957) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #15118-81). That license was first granted on October 7, 1980, and is current until March 31, 2009. The last address Ms. Ziska reported to the Department is 8537 Possum Trail, Wisconsin Rapids, Wisconsin 54494. Ms. Ziska is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Ziska is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.
7. Kay A. Amble-Worden (date of birth: March 21, 1961) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #23694-81). That license was first granted on March 12, 1990, and is current until March 31, 2009. The last address Ms. Amble-Worden reported to the Department is 2710 32nd Street South, Wisconsin Rapids, Wisconsin 54494. Ms. Amble-Worden is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Amble-Worden is responsible for the establishment's compliance with

Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.

8. Lisa A. Barton (date of birth: December 19, 1965) is licensed as a barbering or cosmetology manager in the state of Wisconsin (license #23708-81). That license was first granted on March 12, 1990, and is current until March 31, 2009. The last address Ms. Barton reported to the Department is 410 12th Street South, Wisconsin Rapids, Wisconsin 54494. Ms. Barton is listed in Department records as one of the owners of Hair Experts. As part-owner of a licensed barbering and cosmetology establishment, Ms. Barton is responsible for the establishment's compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code chs. BC 2, 3, and 4.

9. On November 16, 2007, Department Investigator Douglas Austin inspected Hair Experts. Investigator Austin found:

- a. Poisonous substances were stored in unlocked cabinets in a public area.
- b. Shampoo bowls were not kept in a sanitary manner.
- c. Disinfectant was not being changed on a daily basis.
- d. Laundry was not being disinfected by washing in a germicidal compound.
- e. Workstations were not equipped with a topical antiseptic.

10. During the November 16, 2007, inspection, Investigator Austin found Dawn M. Spaulding providing cosmetology services for compensation at Hair Experts. Ms. Spaulding's manager's license had expired on July 1, 2007, and had not been renewed. Ms. Spaulding's manager license was renewed on November 28, 2007.

11. During the November 16, 2007, inspection, Investigator Austin found that both Jennifer Benz and Lisa Dupree were renting both space at Hair Experts. Both Ms. Benz and Ms. Dupree had current manager's licenses, but did not possess establishment licenses for the booth rental. Establishment licenses for Mr. Benz's and Dupree's booth rentals were both granted by the Department on November 28, 2007.

12. In resolution of this matter, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. § 454.15 (2) (c) provides that engaging in the practice of barbering or cosmetology which evidences a lack of knowledge or ability to apply professional principles or skills constitutes grounds for discipline.
3. By the conduct described in paragraphs 9, 10 and 11 above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have engaged in the practice of barbering or cosmetology which evidences a lack of knowledge or ability to apply professional principles or skills.
4. Wis. Stat. § 454.15 (2) (i) provides that violation of Wis. Stat. chapter 454 or the Administrative Code promulgated under chapter 454 is cause for discipline.
5. By the conduct described in paragraphs 9, 10 and 11 above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Stat. chapter 454 and the Administrative Code promulgated under chapter 454.
6. Wis. Administrative Code § BC 3.02 (2) (b) requires the lessee of a chair or booth to hold a manager's license and an establishment license.
7. Wis. Administrative Code § BC 2.04 (1) provides that licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology.
8. By permitting Jennifer Benz and Lisa Dupree to rent booth space at Hair Experts without possessing establishment

licenses, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § BC 2.04 (1).

9. Wisconsin Administrative Code § BC 3.01 (6) requires establishments to store poisonous substances that are in public areas in a locked cabinet or closet.
10. By the conduct described in paragraphs 9 a. above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § BC 3.01 (6).
11. Wis. Administrative Code § BC 4.01 (1) requires shampoo bowls and basins to be drained after each use and kept in a sanitary and safe condition.
12. By the conduct described in paragraphs 9 b. above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § BC 4.01 (1).
13. Wis. Administrative Code § BC 4.02 (5) requires disinfectant used for decontamination to be changed daily.
14. By the conduct described in paragraphs 9 c. above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § 4.02 (5).
15. Wis. Administrative Code § BC 4.02 (6) requires laundry in an establishment to be disinfected by washing with a solution containing a germicidal compound.
16. By the conduct described in paragraphs 9 d. above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § 4.02 (6).
17. Wis. Administrative Code § BC 4.04 (1) requires all work stations to be supplied with at least one of the antiseptics listed in Wis. Administrative Code BC 4.05 (1).
18. By the conduct described in paragraphs 9 e. above, Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts have violated Wis. Administrative Code § BC 4.04 (1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The barbering and cosmetology manager licenses of Kim M. Pechinski (#81-14766), Christine A. Beggs (#81-23696), Carol C. Hanson (#81-23703), Jean R. Schillinger (#81-13774), Cynthia A. Ziska (#81-15118), Kay A. Amble-Worden (#81-23700), and Lisa A. Barton (#81-23708) are hereby REPRIMANDED.
2. The barbering and cosmetology establishment license of Hair Experts (#20851-80) is hereby REPRIMANDED.
3. Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND TWO HUNDRED dollars (\$1,200.00).
4. Kim M. Pechinski, Christine A. Beggs, Carol C. Hanson, Jean R. Schillinger, Cynthia A. Ziska, Kay A. Amble-Worden, Lisa A. Barton and Hair Experts shall jointly and severally pay to the Department of Regulation and Licensing costs in the amount of ONE THOUSAND AND FIFTY DOLLARS (\$1,050.00) in this matter.

Payment of the forfeiture and costs shall be submitted in eight (8) installments. The installments shall be submitted on the following payment schedule:

| Payment Number | Due Date | Payment Amount |
|----------------|--------------------|----------------|
| 1 | March 15, 2009 | \$281.25 |
| 2 | June 15, 2009 | \$281.25 |
| 3 | September 15, 2009 | \$281.25 |
| 4 | December 15, 2009 | \$281.25 |
| 5 | March 15, 2010 | \$281.25 |
| 6 | June 15, 2010 | \$281.25 |
| 7 | September 15, 2010 | \$281.25 |
| 8 | December 15, 2010 | \$281.25 |

5. Respondents may pay the full amount of forfeiture and costs at any time prior to each quarterly due date for payment. Payment shall be made **by certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

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 Respondent'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.**
7. **In the event Ms. Pechinski, Ms. Beggs, Ms. Hanson, Ms. Schillinger, Ms. Ziska, Ms. Amble-Worden, Ms. Barton and Hair Experts fail to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology managers license of Kim M. Pechinski (#81-14766), Christine A. Beggs (#81-23696), Carol C. Hanson (#81-23703), Jean R. Schillinger (#81-13774), Cynthia A. Ziska (#81-15118), Kay A. Amble-Worden (#81-23700), Lisa A. Barton (#81-23708) and the barbering and cosmetology establishment license of Hair Experts (# 80-20851) SHALL BE SUSPENDED, without further notice or hearing, until Ms. Pechinski, Ms. Beggs, Ms. Hanson, Ms. Schillinger, Ms. Ziska, Ms. Amble-Worden, Ms. Barton and Hair Experts., have complied with the terms of this Order.**
8. This Order is effective on the date of its signing.

By: Jeannie M. Bush
A Member of the Board

11/3/08
Date