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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

JENNIFER R. BENZ,
RESPONDENT.

FINAL DECISION AND ORDER
LS0811031BAC

Division of Enforcement Case File Number: 07 BAC 246

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Jennifer R. Benz
831 16th Street North
Wisconsin Rapids, Wisconsin 54494

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

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 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. Jennifer R. Benz (date of birth of December 22, 1971) is duly licensed in the state of Wisconsin as a barbering or cosmetology manager in the state of Wisconsin (license # 30385-81). That license was first granted on January 21, 2005, and is current through March 31, 2009. The last address reported to the Department of Regulation and Licensing (hereinafter Department) by Ms. Benz is 831 16th Street North, Wisconsin Rapids, Wisconsin 54494.

2. Jennifer R. Benz is also licensed as a barbering or cosmetology instructor (license # 1597-83) in the state of Wisconsin. That license was first granted on November 21, 2006, and is current through March 31, 2009.

3. On November 16, 2007, Department Investigator Douglas Austin inspected Hair Experts, a licensed barbering or cosmetology establishment located at 2501 8th Street South, Wisconsin Rapids, Wisconsin.

4. During the November 16, 2007, inspection, Investigator Austin found Jennifer R. Benz renting booth space at Hair Experts. Ms. Benz had a current manager license, but did not possess an establishment license for the booth rental.

5. On November 28, 2007, the Department granted an establishment license for Ms. Benz's booth rental.

6. In resolution of this matter, Jennifer R. Benz consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 454.15.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. sec. 227.44(5).
3. Wis. Stats. sec. 454.08(1)(b) states that except as permitted by rule no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).
4. 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
5. By the conduct cited in Findings of Fact paragraph 4., Jennifer R. Benz has violated Wis. Stat. § 454.08(1)(b) and Wis. Administrative Code § BC 3.02(2)(b).
6. 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.
7. By the conduct described in Findings of Fact paragraph 4, Jennifer R. Benz has violated Wis. Stat. chapter 454 and the Administrative Code promulgated under chapter 454.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the barbering or cosmetology manager license of Jennifer R. Benz (#30385-81) is hereby REPRIMANDED.

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Ms. Benz shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00).

IT IS FURTHER ORDERED that Ms. Benz shall pay costs in the amount of FOUR HUNDRED dollars (\$400.00) 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	\$112.50
2	June 15, 2009	\$112.50
3	September 15, 2009	\$112.50
4	December 15, 2009	\$112.50
5	March 15, 2010	\$112.50
6	June 15, 2010	\$112.50
7	September 15, 2010	\$112.50
8	December 15, 2010	\$112.50

Respondent 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
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event Jennifer R. Benz fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology manager license of Jennifer R. Benz (license number 30385-81) SHALL BE SUSPENDED, without further notice or hearing until Jennifer R. Benz has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

11/3/08
Date