

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
KENDRA L. SMITH, MARVIN F. SMITH,	:	Case # LS08110322BAC
And MAKING CHANGES INC.,	:	
RESPONDENTS.	:	

Division of Enforcement Case # 06 BAC 053

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

Kendra L. Smith
1548 Grange Avenue
Racine, Wisconsin 53405

Marvin F. Smith
1548 Grange Avenue
Racine, WI 53405

Making Changes Inc.
2718 Sixteenth Street
Racine, Wisconsin 53405

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
Madison, WI 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 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. Kendra L. Smith (DOB 09/05/1960) is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license # 81-28026). This license was first granted on October 12, 1999, and is current until March 31, 2009.
2. Marvin F. Smith (DOB 06/01/1966) is duly licensed as a barbering and cosmetology practitioner in the state of Wisconsin (license # 82-73291). This license was first granted on March 23, 1993, and is current until March 31, 2009.
3. Respondent Smiths' most recent address on file with the Department of Regulation and Licensing is 1548 Grange Avenue, Racine, Wisconsin 53405.
4. Making Changes Inc. is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license # 80-35815). This license was first granted on March 31, 2008, and is current until March 31, 2009.
5. The most recent address on file with the Department of Regulation and Licensing for Making Changes Inc. (Changes) is 2718 Sixteenth Street, Racine, Wisconsin 53405.

6. On March 6, 2008, Investigator Willie Garrette made an inspection visit to Changes.
7. Investigator Garrette observed Marvin F. Smith performing a highlighting service for a client.
8. Investigator Garrette observed Kendra L. Smith shampooing a client's hair.
9. Investigator Garrette saw that there were no licenses posted as required by law.
10. When asked for their licenses, Mr. and Ms. Smith produced licenses that had expired on June 30, 2007.
11. Mr. and Mrs. Smith also gave Investigator Garrette a license for Kendra's Hair Design at 2714 Sixteenth Street. That license had also expired on June 30, 2007.
12. Investigator Garrette issued to the Smiths a Notice of Compliance ordering them to renew their individual licenses and to obtain an establishment license for Changes.
13. The Smiths renewed their licenses and obtained an establishment license for Changes on March 31, 2008

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. By providing barbering and cosmetology services at a time when his license was in expired status, Mr. Smith violated Wis. Administrative Code BC 2.04 (1).
3. By providing barbering and cosmetology services at a time when her license was in expired status, Ms. Smith violated Wis. Administrative Code BC 2.04 (1).
4. By providing barbering and cosmetology services in an unlicensed establishment, Mr. and Ms. Smith violated Wis. Administrative Code §§ BC 2.045 (1) and BC 3.01 (1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The licenses of Kendra L. Smith, Marvin F. Smith and Making Changes Inc. to practice barbering and cosmetology in the state of Wisconsin are hereby REPRIMANDED.
2. Respondents shall also be assessed jointly and severally a forfeiture of three thousand dollars (\$3,000.00) and the costs of this proceeding in the amount of three hundred (\$300.00) dollars, for a total due of three thousand three hundred (\$3,300.00) dollars. Respondents shall, within ninety (90) days from the date of this order, jointly and severally make the first payment of three hundred dollars (\$300.00). Payments of three hundred dollars shall be made every ninety (90) days thereafter until the forfeiture and costs are paid. Payment shall be made 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

3. **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 submit timely any payment of the forfeiture as set forth above, or fail to pay costs as ordered, Respondents' licenses (## 81-28026, 82-73291, and 80-35815) SHALL BE SUSPENDED, without further notice or hearing until Respondents have complied with the terms of this Order.**
4. This Order is effective on the date of its signing.

By: Jeannie M. Bush
A Member of the Board

11/3/08
Date