

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
DAWN M. SPALDING,	:	
RESPONDENT	:	Case LS08110323BAC

Division of Enforcement Case #07 BAC 245

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

Dawn M. Spaulding
2761 Swanson Road
Nekoosa, Wisconsin 54457

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. 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. Dawn M. Spaulding (date of birth is March 15, 1967) is duly licensed in the state of Wisconsin as a barbering or cosmetology manager in the state of Wisconsin (license number 23700-81). That license was first granted on March 12, 1990, and is current through March 31, 2009. Ms. Spaulding is listed in Department records as one of the owners of Hair Experts. The last address reported to the Department of Regulation and Licensing (hereinafter Department) by Ms. Spaulding is 2761 Swanson Road, Nekoosa, Wisconsin 54457. From July 1, 2007, through November 28, 2007, Ms. Spaulding's barbering or cosmetology manager license was in expired status.
3. 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.
4. During the November 16, 2007, inspection, Investigator Austin found Ms. 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.
5. 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.
6. In resolution of this matter, Dawn M. Spaulding 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. § 454.04 (1) (a) provides that except for licensed aestheticians and manicurists, no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license, temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.
3. By the conduct described in paragraph 4 above, Dawn M. Spaulding violated Wis. Stat. § 454.04 (1) (a) by engaging in the practice of barbering or cosmetology without a current license.
4. By the conduct described in paragraph 4 above, Dawn M. Spaulding and Hair Experts have violated Wis. Admin. Code § BC 2.04(1), which states that licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
5. 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.
6. By the conduct described in paragraphs 3, 4 and 5 above, Dawn M. Spaulding 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.
7. 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.
8. By the conduct described in paragraphs 3, 4 and 5 above, Dawn M. Spaulding and Hair Experts have violated Wis. Stat. chapter 454 and the Administrative Code promulgated under chapter 454.
9. 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.
10. 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.
11. By permitting Jennifer Benz and Lisa Dupree to rent booth space at Hair Experts without possessing establishment licenses, Dawn M. Spaulding and Hair Experts have violated Wis. Administrative Code § BC 2.04 (1).
12. Wisconsin Administrative Code § BC 3.01 (6) requires establishments to store poisonous substances that are in public areas in a locked cabinet or closet.
13. By the conduct described in paragraphs 3 a. above, Dawn M. Spaulding and Hair Experts have violated Wis. Administrative Code § BC 3.01 (6).
14. Wis. Administrative Code § BC 4.01 (5) requires shampoo bowls and basins to be drained after each use and kept in a sanitary and safe condition.
15. By the conduct described in paragraphs 3 b. above, Dawn M. Spaulding and Hair Experts have violated Wis. Administrative Code § BC 4.01 (5).

16. Wis. Administrative Code § BC 4.02 (5) requires disinfectant used for decontamination to be changed daily.
17. By the conduct described in paragraphs 3 c. above, Dawn M. Spaulding and Hair Experts have violated Wis. Administrative Code § 4.02 (5).
18. Wis. Administrative Code § BC 4.02 (6) requires laundry in an establishment to be disinfected by washing with a solution containing a germicidal compound.
19. By the conduct described in paragraphs 3 d. above, Dawn M. Spaulding and Hair Experts have violated Wis. Administrative Code § 4.02 (6).
20. 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).
21. By the conduct described in paragraphs 9 e. above, Dawn M. Spaulding 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 license of Dawn M. Spaulding (#23700-81) is hereby REPRIMANDED.
2. Dawn M. Spaulding shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00).
3. Dawn M. Spaulding shall pay to the Department of Regulation and Licensing costs in the amount of ONE HUNDRED FIFTY DOLLARS (\$150.00) 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	\$81.25
2	June 15, 2009	\$81.25
3	September 15, 2009	\$81.25
4	December 15, 2009	\$81.25
5	March 15, 2010	\$81.25
6	June 15, 2010	\$81.25
7	September 15, 2010	\$81.25
8	December 15, 2010	\$81.25

4. 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
 Department of Regulation and Licensing
 P. O. Box 8935
 Madison, WI 53708-8935
 Telephone (608) 267-3817
 FAX (608) 266-2264

5. **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.

- 6. In the event Ms. Spaulding fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology manager license of Dawn M. Spaulding (#23700-81) SHALL BE SUSPENDED, without further notice or hearing, until Ms. Spaulding has complied with the terms of this Order.**
7. This Order is effective on the date of its signing.

By: Jeannie M. Bush
A Member of the Board

11/3/08
Date