

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
	:	
ANITA M. SIMMONS CARSON,	:	Case # LS0811032BAC
RESPONDENT.	:	

Division of Enforcement Case # 08 BAC 212

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

Anita M. Simmons Carson
514 East Auer Avenue
Milwaukee, Wisconsin 53212

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

On July 23, 2008, Investigator Kelley Sankbeil of the Division of Enforcement issued an administrative citation to Anita M. Simmons Carson for practicing outside a licensed establishment. Ms. Simmons Carson subsequently requested a hearing to appeal the citation. 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. Anita M. Simmons Carson, (DOB 02/28/1963) is duly licensed as a barbering and cosmetology manager in the State of Wisconsin (license # 26574-81). This license was first granted on 10/11/1996.
2. Respondent’s most recent address on file with the Department of Regulation and Licensing is 512 East Aure Avenue Milwaukee, Wisconsin 53212. Respondent has informed the Division of Enforcement that her address is 514 East Auer Avenue, Milwaukee, Wisconsin 53212.
3. At all times relevant to this action, Respondent was working as a barbering and cosmetology manager at Queen Nu Vee (hereafter Queen), Suite 104, 2501 West Capitol Drive, Milwaukee, Wisconsin 53206.
4. On July 23, 2008, Investigator Kelley Sankbeil of the Division of Enforcement made an unannounced inspection at Queen.
5. During the July 23 inspection, Investigator Sankbeil noted that there was not a license posted for Queen. She issued an administrative citation for practicing outside a licensed establishment to Respondent, who is the owner and manager of Queen.
6. On July 24, Respondent telephoned Investigator Sankbeil and claimed to have an establishment license for Queen at the Capitol Drive address. Respondent stated that the license number was 28661-80.
7. Investigator Sankbeil entered the license number given into the ICE system, and found that the license was for Queen at

4861 North Teutonia and had an expiration date of March 31, 2009.

8. Investigator Sankbeil also noted that Respondent had two previous establishment licenses under the Queen name, but none of the licenses were for the Capitol Avenue location.
9. Respondent stated that she thought the establishment license she had been renewing was for the Capitol Drive address. She did note that she had been hospitalized just prior to the change of location and a few months after the move as well, which may have contributed to her forgetting to apply for a license at the new location.

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. Wisconsin Administrative Code § BC 3.06 (2) provides that a change of location of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license.
3. The conduct described in paragraph(s) five through eight of the Findings of Fact constitutes a violation of Wisconsin Administrative Code § BC 3.01 (1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Anita M. Simmons Carson to practice as a barbering and cosmetology manager in the state of Wisconsin is hereby REPRIMANDED.
2. Respondent shall pay a forfeiture of \$250 and costs of \$150, for a total of \$400. The first payment of \$100 shall be made on or before March 1, 2009, with three other payments at three-month intervals thereafter. 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 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. In the event Respondent fails to submit timely any payment of the forfeiture as set forth above, or fails to pay costs as ordered, Respondent's license (#26574-81) SHALL BE SUSPENDED, without further notice or hearing until Respondent has 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