

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
SUSAN L. HAISE and THE INSTITUTE OF :		Case # LS0901162RBC
BEAUTY & WELLNESS,	:	
RESPONDENTS.	:	

Division of Enforcement Cases ## 06 RBC 008 and 07 RBC 009

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

Susan L. Haise
220 East Buffalo Street, Suite 303
Milwaukee, Wisconsin 53202

The Institute of Beauty & Wellness
342 North Water Street
Milwaukee, Wisconsin 53202

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 Department of Regulation and Licensing (Department). The Department has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Susan L. Haise (Respondent Owner) (DOB 10/21/1967) is duly licensed as a barbering and cosmetology instructor (license #106-72) in the state of Wisconsin. The license was granted on March 31, 1997; and is current through March 31, 2009.
2. Respondent Owner’s most recent address on file with the Department is 220 East Buffalo Street, Suite 303, Milwaukee, Wisconsin 53202.
3. The Institute of Beauty & Wellness (Respondent School) is duly licensed as a barbering and cosmetology school in the state of Wisconsin (license #90-87). The license was granted on March 17, 2000, and is current through March 31, 2009.
4. Respondent School’s most recent address on file with the Department is 342 North Water Street, Milwaukee, Wisconsin 53202. Department records list Susan L. Haise as owner of Respondent School.
5. As owner and manager of Respondent School, Respondent Owner is responsible for daily operations of the school in compliance with Wis. Stats. § 440.64 and the provisions of Wis. Administrative Code chapter RL 62.
6. On September 10, 2006, an individual who wishes to remain anonymous reported to the Division of Enforcement (DOE)

that unlicensed persons were providing practical instruction at Respondent School.

7. On September 21, 2007, Daniel Klingler, a licensed barbering and cosmetology practitioner, filed a complaint with DOE alleging that Respondent Owner was permitting an unlicensed individual, Caitlin Stublaski, to provide practical instruction to students at Respondent School. Klingler alleged that Stublaski was hired by Respondent School in June 2005 and was continuing to provide practical instruction at Respondent School at the time the complaint was filed.
8. Complainant Klingler stated that he formerly worked at Respondent School and had witnessed Stublaski providing practical instruction.
9. As of September 21, 2007, Department records did not show any record of any application, licensure or instructor certification for Caitlin Stublaski.
10. On November 7, 2007, Douglas Feuling filed a complaint with DOE alleging that his daughter Meredith received practical instruction from Caitlin Stublaski at Respondent School when his daughter was enrolled at Respondent School.
11. On February 15, 2008, Investigator Krisher made an unannounced visit to Respondent School.
12. Because Stublaski was not in at the time of the visit and Respondent Owner was unavailable, Investigator Krisher spoke to Gaya Glassen, a licensed practitioner and instructor at the school.
13. Glassen acknowledged that Stublaski was teaching theory relating to haircutting.
14. Glassen denied that Stublaski provided practical instruction, but explained that Stublaski had observed on the clinic floor under the supervision of a licensed instructor.
15. Respondent Owner admitted to Investigator Krisher in a letter dated March 5, 2008, that Stublaski had provided practical training on the clinic floor at Respondent School from June 2005 through October 2007, although Stublaski did not hold even a temporary barbering and cosmetology practitioner permit until December 14, 2007.
16. Respondent Owner stated that another licensed instructor was always on the clinic floor when Stublaski provided instruction.
17. On August 28, 2008, Investigator Krisher interviewed Meredith Feuling, daughter of Complainant Daniel Fueling, about her attendance at Respondent School.
18. Ms. Feuling stated that she received practical instruction from Caitlin Stublaski during her enrollment at Respondent School.
19. On September 3, 2008, Investigator Krisher spoke to Complainant Klingler about the conditions under which Stublaski provided practical instruction.
20. Complainant Klinger stated that Stublaski taught on the clinic floor both with and without another instructor present. He stated that he taught theory classes to night students at the same time that Stublaski provided practical instruction to night students.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 440.63 and 440.64, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. §§ 440.60 through 440.635 constitute subchapter V of Wis. Stat. chapter 440.
3. Wis. Stat. § 440.60 (13) defines “practical instruction” as training through action or direct contact with a patron or model other than a mannequin.
4. Wis. Stat. § 440.63 (1) provides that no person may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless the persons holds a current barbering or cosmetology instructor certificate issued by the Department.

5. Wis. Administrative Code § RL 62.11 (1) (e) states that no owner, director, officer, shareholder, or managing employee of any school may allow an unlicensed person to provide practical instruction to any student.
6. By permitting Caitlin Stublaski to provide practical instruction to students, Respondent Owner and Respondent School violated Wis. Stat. § 440.63 (1) and Wis. Administrative Code § RL 62.11 (1) (e).
7. Wis. Administrative Code § RL 62.11 (1) (g) provides that no owner, director, officer, shareholder or managing employee of any school may violate subchapter V of chapter 440, Stats., or chapter 454, Stats., or the rules contained in Wis. Administrative Code chapter 62.
8. By permitting Caitlin Stublaski to provide practical instruction to students, Respondent Owner and Respondent School violated Wis. Administrative Code § RL 62.11 (1) (g).
9. Wis. Administrative Code § RL 65.12 (1) (i) states that the Department may take disciplinary action against any person holding an instructor's certificate who has engaged in unprofessional conduct.
10. By permitting Caitlin Stublaski to provide practical instruction to students, Respondent Owner aided and abetted unlicensed practice and therefore engaged in unprofessional conduct.
11. Wis. Stat. § 440.64 (3) (b) 3. permits the Department to reprimand a licensee or certified instructor if the Department finds that the licensee or certified instructor has violated subchapter V of chapter 440, Stats., or any rule promulgated under that subchapter.
12. Because Respondent Owner violated subchapter V of chapter 440, Stats., and rules promulgated under that chapter and engaged in unprofessional conduct, Respondent Owner's instructor certificate is subject to discipline.
13. Because Respondent School violated subchapter V of chapter 440, Stats., and rules promulgated under that chapter, Respondent School's license is subject to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The instructor certificate of Susan L. Haise (certificate #106-72) to practice as a barbering and cosmetology manager in the state of Wisconsin is hereby REPRIMANDED.
2. The license of The Institute of Beauty & Wellness (license #90-87) to operate as a barbering and cosmetology school in the state of Wisconsin is hereby REPRIMANDED
3. Respondents shall, within 120 days from the date of this order, pay a forfeiture in the amount of SIX THOUSAND dollars (\$6,000.00) and costs of this proceeding in the amount of ONE THOUSAND TWO HUNDRED FIFTY dollars (\$1,250.00), for a total of SEVEN THOUSAND TWO HUNDRED FIFTY dollars (\$7,250.00). 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

4. **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 fails to pay costs as ordered, Respondent Owner's instructor certificate and Respondent School's license (certificate #106-72 and license #90-87) SHALL BE SUSPENDED, without further notice or hearing until Respondents have complied with the terms of this Order.**
5. This Order is effective on the date of its signing.