

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	<b>FINAL DECISION AND ORDER</b>
<b>BECKY L. SCHWITTAY</b>	:	
<b>AND ENVY,</b>	:	
RESPONDENTS	:	LS09020215BAC

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Division of Enforcement Case File # 08 BAC 260

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Becky L. Schwittay  
N2209 Church Road  
Peshtigo, WI 54157

Envy  
880 Frontage Road, Suite F  
Peshtigo, WI 54157

Wisconsin Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
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 disposition of this matter, subject to the approval of the Wisconsin Barbering and Cosmetology Examining Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. Becky L. Schwittay is licensed in the State of Wisconsin as a Manicurist, having license #85-7117. This license was first granted to her on June 17, 2008. Ms. Schwittay’s most recent address on file with the Department of Regulation and Licensing (“Department”) is N2209 Church Road, Peshtigo, WI 54157.
2. Envy is a Manicuring Establishment licensed in the State of Wisconsin, having license #71-3374. This license was first granted on August 28, 2008. Envy’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 880 Frontage Road, Suite F, Peshtigo, WI 54157.
3. On November 13, 2008, a sign in the front window of Envy advertised “full body waxing.” Another sign advertised “Pet Spa.”
4. Ms. Schwittay operates a pet grooming business at the same location as Envy, but the two establishments are

separate.

5. Prior to November 13, 2008 Ms. Schwittay had performed waxing services for clients on parts of their bodies that are not permitted under a manicurist's license.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to section 454.15 of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. The Respondents did not violate either section BC 3.01, Wis. Admin. Code, prohibiting pets in an establishment during working hours, or section 454.08 (7), Wis. Stats., prohibiting the operation of a commercial business within a licensed establishment.

3. The Respondents violated section 454.04 (1) (b), prohibiting the practice of aesthetics, i.e. waxing certain parts of the body, without an aesthetician's license.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that the Respondents, Becky L. Schwittay and Envy, are hereby REPRIMANDED.

IT IS FURTHER ORDERED that the respondents, Becky L. Schwittay and Envy, shall pay a forfeiture of \$300. Responsibility for the forfeiture shall be joint and several, meaning that each party is liable until the entire \$300 is paid. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the following address:

Department Monitor  
Department of Regulation and Licensing,  
PO Box 8935, Madison, WI 53708-8935.  
Fax (608) 266-2264  
Tel. (608) 267-3817

IT IS FURTHER ORDERED that the respondents, Becky L. Schwittay and Envy, shall pay the Department's investigative and prosecutorial costs in the amount of \$200. Responsibility for the forfeiture shall be joint and several. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.

Both the forfeiture and the costs (a total of \$500) must be paid in full within one year following the entry of this order.

Payment may be made according to the following schedule:

- a payment of \$125 no later than March 1, 2009,
- a payment of \$125 no later than June 1, 2009,
- a payment of \$125 no later than September 1, 2009, and
- a payment of \$125 no later than December 1, 2009.

In the event Ms. Schwittay and Envy fail to pay the forfeiture and costs within the time and in the manner as set forth above, Ms. Schwittay's manicurist license and Envy's manicuring establishment license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture and costs has been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 08 BAC 260 be closed.

Dated this 2<sup>nd</sup> day of February, 2009.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: Jeannie M. Bush  
A member of the Board