

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

BENNIE JOHNSON,
RESPONDENT.

FINAL DECISION AND ORDER
LS0902028BAC

Division of Enforcement Case File Number: 08 BAC 055

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Bennie Johnson
6815 North Green Bay Road
Glendale, Wisconsin 53209

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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 Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Bennie Johnson is duly licensed as a manicurist in the state of Wisconsin (license #85-1316). This license was first granted on April 7, 1993, and is current through March 31, 2009. The last address reported to the Department of Regulation and Licensing (Department) by Ms. Johnson is 6815 North Green Bay Road, Glendale, Wisconsin 53209.

2. Ultimate Trends & Boutique (#80-29442), 6815 North Green Bay Road, Glendale, Wisconsin 53204, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin. According to Departmental records, Bennie Johnson is the owner of Ultimate Trends & Boutique. This license was granted on 11/01/00 and is current through March 31, 2009.

3. As owner of a licensed barbering and cosmetology establishment, Ms. Johnson is responsible for compliance with Wis. Stat. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.

4. On February 12, 2008, Department Investigator Michelle Krisher inspected Ultimate Trends & Boutique. Investigator Krisher found a booth rental in Ultimate Trends & Boutique that was not licensed with the Department as a separate establishment.

5. In resolution of this matter, Bennie Johnson consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. Sec. 227.44(5).

3. The finding described in Findings of Fact 4. is a violation of Wis. Stats. Sec. 454.15(2)(c), which states that the Barbering and Cosmetology Examining Board may discipline any licensee who has engaged in the practice of barbering or cosmetology, aesthetics, electrology or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.

4. The finding described in Findings of Fact 4. is a violation of Wis. Stat. Sec. 454.15(2)(i), which indicates that violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 are cause for discipline.

5. The finding described in Findings of Fact 4. is a violation of 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.

6. The finding described in Findings of Fact 4. is a violation of Wis. Admin. Code § BC 2.04(2), which states that licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.

7. The finding described in Findings of Fact 4. is a violation of Wis. Admin. Code § BC 2.06, which states that the owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.

8. The finding described in Findings of Fact 4., is a violation of Wis. Admin. Code § BC 3.02 (2)(b), which states that an owner may lease a chair or booth to a licensed individual as follows: The lessee of the chair or booth shall be responsible of ensuring that the lease chair or booth operates in compliance with ch. 454, Stats., and that the rules of the board, and the lessee shall hold a manager's and an establishment license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Bennie Johnson's Wisconsin manicurist license (license #85-1316) is REPRIMANDED.

NOW, THEREFORE, IT IS HEREBY ORDERED that Bennie Johnson shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00) on the following schedule:

FIVE HUNDRED dollars (\$500.00) shall be submitted SIXTY (60) days from the effective date of this Order. TWO HUNDRED FIFTY dollars (\$250.00) shall be submitted NINETY (90) days from the effective date of this Order. TWO HUNDRED FIFTY dollars (\$250.00) shall be submitted ONE HUNDRED TWENTY (120) days from the effective date of this ORDER.

Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and submitted to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

IT IS FURTHER ORDERED that in the event Bennie Johnson fails to timely submit any payment of the forfeiture as set forth above, the manicurist license of Bennie Johnson (license # 85-1316) **SHALL BE SUSPENDED**, without further notice or hearing, until Bennie Johnson has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

2/2/09
Date