

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
 :
TINA M. WENDT. :
 : LS09040611BAC
 :
RESPONDENT. :

[Division of Enforcement Case File #:07 BAC 248]

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Attn: Tina M. Wendt
Artistic Salon and Spa
5920 Exchange Street
McFarland, WI 53558

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

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”). 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. Tina M. Wendt, date of birth: 05/26/70, is licensed in the State of Wisconsin as a barbering and cosmetology apprentice and manicurist, having license #'s: 600-79938; 85-1966. Ms. Wendt’s apprenticeship permit was granted on 10/26/06 and expires 10/26/09. Ms. Wendt’s manicurist license was granted on: 06/30/05 and expires 03/31/09.
2. Ms. Wendt’s last reported business address on file with the Department of Regulation and Licensing (“Department”) is: 5920 Exchange Street, McFarland Wisconsin 53558.
3. At all times relevant to the facts stated below, Ms. Wendt was and is at all times relevant to this action responsible for compliance with Wisconsin Statute, Chapter 454.
4. On or about August 31, 2006, the Department received a newspaper article reporting a story involving Ms. Wendt. The story related that Ms. Wendt had entered multiple no contest pleas on felony charges of Forgery and Theft and in a business setting while working as a real estate broker. Ms. Wendt was licensed as a real estate broker (#90-50596; granted: 03/29/01;

expired: 12/31/06). The story related the crimes occurred while Ms. Wendt was managing a number of real estate properties throughout Dane County, Wisconsin. A case was opened for investigation as a result of the information received in the newspaper article.

5. On or about April 20, 2007, the Ms. Wendt was convicted of twenty-one (21) various felony counts involving and theft in a business setting. The Department's investigative staff obtained certified copies of the Criminal Complaint and Judgment of Conviction. A true and correct copy of the Criminal Complaint and Judgment of Conviction are attached as **Exhibits A** and are incorporated herein by reference.

6. Based on the results of the criminal case against Ms. Wendt, Ms. Wendt engaged in criminal acts of forgery and while managing eleven condominium associations. Ms. Wendt managed the condominium associations between 2003 and 2007. During that time period, Ms. Wendt forged signatures and took money from each association she managed. The amounts of money taken by Ms. Wendt amounted to \$142,905.28.

7. On or about October 10, 2007, Ms. Wendt was sentenced to two years imprisonment, twenty-five years (25) probation. Ms. Wendt was also ordered to pay restitution, costs, fees and comply with other terms of her probation.

8. Ms. Wendt did not report her conviction to the Department. The Department has received its information through newspaper articles and court records.

9. In resolution of this matter, Respondent Tina M. Wendt consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondent Tina M. Wendt has violated:

Wis. Stat. § 454.15(2)(c) by engaging in dishonest and fraudulent conduct that resulted in twenty-one (21) felony convictions. The dishonest and fraudulent conduct committed is substantially related to the practice of barbering and cosmetology and manicuring.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Tina M. Wendt's barbering/cosmetology and manicurist licenses, #600-79938 and #85-1966 are hereby LIMITED for the remainder of their terms. After said licenses expire, Tina M. Wendt shall only be granted a LIMITED barbering and cosmetology credential for not less than five years. Any barbering/cosmetology and/or manicurist credential granted to Tina M. Wendt is subject to the following terms and conditions for the next five years:

- a. The effective date of the LIMITED license(s) shall be the date upon which a Board member dates and signs this Order.
- b. Ms. Wendt shall only practice barbering and cosmetology or manicuring under an employer who agrees to comply the terms of this Order.
- c. Ms. Wendt shall file with the Department quarterly reports with the Department beginning on the following

dates:

November 1, 2009;

March, 2010;

July 1, 2010;

and every November 1, March 1, and July 1, until further order of the Department.

2. Each report shall include:
 - a. The name, address and telephone number of applicant and name, address and telephone number of the applicant's barbering and cosmetology or manicurist employer.
 - b. A statement from Ms. Wendt as to whether or not she has been convicted of a crime (including Driving While Intoxicated (DWI) or Operating While Intoxicated - OWI) during the term of the Order **OR** if criminal charges are pending.
 - c. A statement from Ms. Wendt confirming her compliance with all the terms of her limited license and with the statutes and rules governing the practice of barbering and cosmetology and/or manicuring.
 - d. A statement from the barbering and cosmetology or manicurist employer evaluating Ms. Wendt's performance as an employee and whether or not she has followed all guidelines and requirements of the employer.
3. Ms. Wendt shall comply with all terms of probation imposed upon her and immediately notify the Board of any violation of probation terms.
4. Ms. Wendt shall immediately provide evidence to the Board from the Department of Corrections after successfully paying off the remaining balance of her restitution.
5. Ms. Wendt shall not personally receive, hold or disburse money, funds or anything of material value while practicing barbering and cosmetology or manicuring.
6. Ms. Wendt shall not perform barbering and cosmetology or manicuring activities under a different barbering and cosmetology or manicuring employer without permission, in advance, from the Board, and unless the new employer agrees, in writing, that the terms of this limitation will be complied with and that the employer will cooperate with the applicant in the preparation and submittal to the Board of the required reports.
7. Ms. Wendt shall provide a complete copy of the Board's Final Decision and Order to her barbering and cosmetology or manicuring employer to immediately notify the Department Monitor if the applicant violates the terms of the Order.
8. The limitations contained in this Order, in whole or in part, may be removed only upon a showing of successful compliance with all of the terms of this Order and in no event earlier than five years from the date of the signing of this Order by the Board. Ms. Wendt may petition the Board for the issuance of a barbering and cosmetology and or manicurist license without limitations following the five limitation period.
9. Failure by Ms. Wendt to timely comply with the terms of this limitation shall result in the revocation of her barbering and cosmetology apprenticeship permit and manicurist license without further notice or hearing or other proceedings.
10. Any further criminal conviction (including DWI or OWI) shall result in the revocation of Ms. Wendt limited barbering and cosmetology licenses without further notice or hearing or other proceedings.
11. Ms. Wendt shall immediately notify the Board in writing of any changes in employment and personal information as it relates to the limitations of her barbering and cosmetology credential(s).
12. Any reports or documentation that needs to be received by the Board to show compliance with the terms of this

Order shall be addressed to:

**Department of Regulation and Licensing
Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
(608) 267-3817 (phone)
(608) 266-2264 (fax)**

13. This Order shall become effective upon the date of its signing. It is also ordered that case file, 07 BAC 248 is hereby closed as to, Tina M. Wendt.

Dated this 6th day of April, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush