

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
 :
WANITA M. MICHELS. : LS0904064BAC
THE HAIR STATION. :
RESPONDENTS. :

Division of Enforcement Case File #: 07 BAC 153

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

Wanita M. Michels
421 Yellowstone Drive, Suite 204
Madison, WI 53719

The Hair Station
421 Yellowstone Drive, Suite 204
Madison, WI 53719

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 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. The Hair Station is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 35395. This license was granted on 10/18/07.
2. The Hair Station’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 421 Yellowstone Drive, Suite 204, Madison, Wisconsin 53719.
3. Wanita M. Michels, date of birth: 06/29/66, is listed as the owner and manager of record for The Hair Station. Department records indicate that Ms. Michels holds a barbering and cosmetology manager’s license, #81 25387.

This license was first granted on 09/29/93; expired from 06/30/99-10/18/07; current as of 10/18/07.

4. Ms. Michels most recent business address on file with the Department is: 421 Yellowstone Drive, Suite 204, Madison, Wisconsin 53719.

5. As owner and manager of record, Ms. Michels was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2 and 3.

6. On or about, July 10, 2007, Ms. Michels submitted a new establishment application for The Hair Station (former establishment license #80-22992; granted: 10/05/93; expired: 10/18/07). The new application was submitted due to a location change of the establishment. On the application, Ms. Michels placed her manager's license as the responsible manager of record for the establishment. Upon review of the application, the credentialing division of the Department discovered Ms. Michels' manager's license had been in expired status since June 30, 1999.

7. On August 15, 2007, Ms. Michels was notified in writing by the Department that she would be required to retake and pass the manager's examination before her license could be reinstated in order for her to practice barbering and cosmetology. On August 21, 2007, a Department case was subsequently opened for investigation against Ms. Michels and The Hair Station.

8. On August 27, 2007, Ms. Michels took and passed the examination for her manager's license. On October 18, 2007, Ms. Michels' manager's license was reinstated and a new establishment license was granted to The Hair Station.

9. During the course of the investigation, Ms. Michels admitted to engaging in the practice of barbering and cosmetology at The Hair Station while her manager's license was in expired status.

10. Ms. Michels and The Hair Station have cooperated with the Department throughout the course of the investigation.

11. In resolution of this matter, the Ms. Michels and The Hair Station consent to 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, Wanita M. Michels has violated:

Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by practicing barbering and cosmetology with an expired license between the dates of June 30, 1999 and October 18, 2007.

4. Respondent The Hair Station has violated:

Wis. Stat. § 454.08(6); and Wis. Admin. Code §§ BC 2.04 (1) and 3.02(1) by operating with a manager of record whose license was expired between the dates of June 30, 1999 and October 18, 2007.

ORDER

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

IT IS FURTHER ORDERED, that the Respondents, Wanita M. Michels (#81-25387) and The Hair Station (#80-39395) are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **FOUR THOUSAND DOLLARS (\$4,000.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted within ninety (90) days from the date of this order and nine more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due every ninety (90) days from the previous payment until the full **FIVE THOUSAND DOLLARS (\$5,000.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent 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**

IT IS FURTHER ORDERED, that in the event the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, the barbering and cosmetology manager's license for Wanita M. Michels (#081-25387) and the establishment license for The Hair Station (# 080-35395) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 07BAC153, be and hereby is, closed as to all Respondents.

Dated this 6th day of April, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush