

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
	:	
APRIL D. OWENS and APRILS	:	Case # LS0904066BAC
TOUCH OF CLASS,	:	
RESPONDENTS.	:	

Division of Enforcement Case # 06 BAC 057

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

April D. Owens
2327 Sixty-third Street
Kenosha, Wisconsin 53143

Aprils Touch of Class
2327 Sixty-third Street
Kenosha, Wisconsin 53143

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 Barbering and Cosmetology Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. April D. Owens (hereafter Respondent) (DOB 4/17/1943) is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license # 29667-81). This license was first granted on November 20, 2003.
2. Respondent’s most recent address on file with the Department of Regulation and Licensing (Department) is 2327 Sixty-third Street, Kenosha, Wisconsin 53143.
3. Aprils Touch of Class (hereafter Respondent Establishment) is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #29884-80). That license was first granted on June 26, 2001, and is current through March 31, 2009.
4. Respondent Establishment’s most recent address on file with the Department is 2327 Sixty-third Street, Kenosha, Wisconsin 53143.
5. At all times relevant to this action, Respondent was working as owner and manager of Respondent Establishment.
6. On June 29, 2005, the Department received applications for renewal of Respondent’s license and that of Respondent Establishment.

7. On June 30, 2005, the Wisconsin Department of Revenue (Revenue) notified Respondent and Respondent Establishment that they owed delinquent taxes in the amount of \$2,872.29.
8. The letter from Revenue also informed Respondent and Respondent Establishment that Revenue would instruct the Department to deny renewal of the licenses unless Respondent and Respondent Establishment resolved the delinquent tax account with Revenue by July 10, 2005.
9. Revenue notified the Department on August 10, 2005, that Respondent and Respondent Establishment had been finally determined to be liable for delinquent taxes in the amount of \$3,092.78.
10. On November 25, 2005, the Department notified Respondent and Respondent Establishment that their applications for renewal of licenses had been denied because of the tax delinquency.
11. The November 25, 2005, letter from the Department informed Respondent and Respondent Establishment that they could request a hearing with Revenue on the tax delinquency, but that any request for hearing had to be filed within 30 days after the date on which the notice of denial was mailed.
12. The November 25 letter was mailed on November 30, 2005.
13. On January 30, 2006, the Department informed Respondent and Respondent Establishment in writing that the Department had not received from Revenue a release or notification that Respondent and Respondent Establishment had requested a hearing.
14. The January 30, 2006, letter from the Department stated that the affected licenses expired on December 30, 2005.
15. Respondent and Respondent Establishment continued to provide barbering and cosmetology services for compensation after December 30, 2005, even though their licenses had expired.
16. On May 18, 2006, the Department received an apprentice permit application for Curtis Wilson. The application stated that he would be apprenticing at Aprils Touch of Class.
17. When the Department notified Respondent and Respondent Establishment that the apprentice permit could not be granted because their licenses were expired, Respondent and Respondent Establishment resolved matters with Revenue.
18. Respondent's and Respondent Establishment's licenses were renewed on May 31, 2006, and have remained in force since then.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. § 454.04 (1) (a) provides that no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and hold a current barbering or cosmetologist license, manager licenses or temporary permit issued by the Board.
3. By providing barbering and cosmetology services while her license was expired, Respondent has violated Wis. Stat. § 454.04 (1) (a).
4. Wis. Stat. § 454.08 (1) (b) provides that no person may practice barbering or cosmetology in an establishment unless the establishment is licensed to provide that practice.
5. By providing barbering and cosmetology services while its license was expired, Respondent Establishment has violated Wis. Stat. § 454.08 (1) (b).
6. Wis. Stat. § 454.15 (2) (i) provides that the Board may revoke, limit, suspend or refuse to issue or renew a license or permit issued under chapter 454, Stats., or reprimand the holder of a license or permit issued under chapter 454, Stats., if the holder of the license has violated chapter 454, Stats., or any rule promulgated under chapter 454.
7. Respondent and Respondent Establishment are subject to discipline by the Board because they violated chapter 454, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of April D. Owens to practice as a barbering or cosmetology manager in the state of Wisconsin is hereby **REPRIMANDED**.
2. The establishment license of Aprils Touch of Class is hereby **REPRIMANDED**.
3. Respondent and Respondent Establishment shall costs in the amount of **FIVE HUNDRED** dollars (\$500.00) in this matter. Payment shall be submitted on the following payment schedule:

Date	Amount
June 1, 2009	\$125.00
September 1, 2009	\$125.00
December 1, 2009	\$125.00
March 1, 2009	\$125.00

The full amount of the costs may be paid at any time prior to each due date for payment.

Payment 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
Post Office Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817

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 costs as ordered, Respondent’s license (#29667-81) and Respondent Establishment’s license (#29884-80) 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.

By: Jeanie M. Bush
 A Member of the Board

4/6/09
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
THE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
APRIL D. OWENS and APRILS	:	Case LS # 09 _____BAC
TOUCH OF CLASS,	:	
RESPONDENTS.	:	

Division of Enforcement Case #06 BAC 057

It is hereby stipulated between April Owens, personally and on behalf of Aprils Touch of Class, and Claudia Berry Miran, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (06 BAC 057). Respondents consent to resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waives their rights, including:
 - The right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence.
 - The right to confront and cross examine the witnesses against them.
 - The right to call witnesses on their behalf and to compel their attendance by subpoena.
 - The right to testify themselves.
 - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision.
 - The right to petition for rehearing.
 - All other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
3. Respondents have been provided an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board’s order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to the Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session without the presence of the Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept the stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached

Final Decision and Order

April D. Owens
2327 Sixty-third Street
Kenosha, Wisconsin 53143
License # 29667-81

Date

Aprils Touch of Class
2327 Sixty-third Street
Kenosha, Wisconsin 53143
License # 29884-80

Date

Claudia Berry Miran, Attorney
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P. O. Box 8935
Madison, WI 53708-8935
State Bar #1015184

Date