

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
:
JESSICA L. RUBIO, :
RESPONDENT. : LS0904067BAC

Division of Enforcement Case No. 07 BAC 238

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

Jessica L. Rubio
1591 Deckner Avenue
Green Bay, WI 54302

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. Respondent **Jessica L. Rubio** is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-32029. This license was first granted to her on 01/15/08 and is current through 03/31/09. Ms. Rubio also holds a Barbering and Cosmetology Practitioner's license, #82-82039, which was granted on 05/15/03 and is current through 03/31/09.

2. The most recent address on file with the Department of Regulation and Licensing for Ms. Rubio is 11591 Deckner Avenue, Green Bay, WI 54302.

3. A complaint was received by the Department alleging that Ms. Rubio was working as a chair rental without having the proper licensure for a chair rental.

4. Pursuant to Wis. Admin. Code § BC 3.02(2), the owner of a barbering and cosmetology establishment may lease a chair to a licensed individual as long as there is a written lease agreement and the lessee holds a manager's license and an establishment license.

5. Wis. Admin. Code § BC 3.02(2) requires, in part, that "the lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board."

6. The Department's investigation revealed that Ms. Rubio was a chair rental from approximately September 2007 to January 15, 2008, without having a separate manager's license. Ms. Rubio obtained a manager's license on January 15, 2008.

7. The Department's investigation also revealed that Ms. Rubio was a chair rental without a separate establishment license from approximately September 2007 to November 7, 2008. Ms. Rubio obtained a separate establishment license on November 7, 2008.

CONCLUSIONS OF LAW

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

2. Respondent **Jessica L. Rubio** has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by renting a chair without having the required separate manager's licensed for her chair rental or the required separate establishment license for a period of time. As a result, Ms. Rubio is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Jessica L. Rubio** (license # 81-32029 and license #82-82039) be, and hereby is, **REPRIMANDED**.
2. **Jessica L. Rubio** shall, within 120 days of the date of this Order, pay **COSTS** in the amount of **THREE HUNDRED DOLLARS (\$ 300.00)**.
3. **Jessica L. Rubio** shall, within 120 days of the date of this Order, pay a **FORFEITURE** in the amount of **TWO HUNDRED DOLLARS (\$ 200.00)**.
4. Payment of the costs and forfeiture 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

5. 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 Ms. Rubio's 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 Ms. Rubio fails to timely submit any payment as ordered, then her licenses (# 81-32029 and # 82-82039) **SHALL BE SUSPENDED** without further notice or hearing until she has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Dated this 6th day of April, 2009.

By: Jeannie M. Bush