

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 : FINAL DECISION AND ORDER
:
A BEAUTIFUL YOU, INC. AND : LS0906013BAC
LINDA S. DAVIS, :
RESPONDENTS. :

Division of Enforcement Case File # 08 BAC 264

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

Linda S. Davis
1009 Pierce Avenue
Marinette, WI 54143

A Beautiful You, Inc.
880 Frontage Road, Suite D
Peshtigo, WI 54157

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 (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. A Beautiful You, Inc. is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license # 80-36371. This license was granted on 11/17/2008 and is current through 03/31/2011.
2. A Beautiful You, Inc.'s most recent address on file with the Department of Regulation and Licensing (Department) is 880 Frontage Road, Suite D, Peshtigo, Wisconsin 54157.
3. Linda S. Davis, whose date of birth is 03/21/1983, is listed as the manager of record for A Beautiful You, Inc. Department records indicate that Ms. Davis holds a barbering and cosmetology manager's license, # 81-32546. This license was first granted on 11/13/2008 and is current through 03/31/2011.

4. Ms. Davis' most recent address on file with the Department is 1009 Pierce Avenue, Marinette, Wisconsin 54143.

5. As manager of record, Ms. Davis 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, 3, and 4.

6. On or about September 7, 2008, the Department received a consumer complaint alleging unlicensed practice at A Beautiful You, Inc. The complaint was subsequently opened for investigation.

7. On November 13, 2008, a Department consumer protection investigator conducted an unannounced inspection of A Beautiful You, Inc. The inspection revealed the following violations:

- The establishment did not have a license;
- The manager did not have a manager's license;
- There was one unlicensed employee who provided services at the establishment;
- There was no supply of bandages or disposable gloves and no alcohol or other antiseptic at workstations;
- Poisonous substances were being stored in an unlocked cabinet in a public restroom; and
- Waxing supplies and clean towels were not being stored in covered containers.

8. An establishment license application was received by the Department of Regulation and Licensing on November 7, 2008 and A Beautiful You, Inc. was granted an establishment license on November 17, 2008.

9. Linda S. Davis was granted a barbering and cosmetology manager's license on November 13, 2008.

10. The salon owner submitted a letter to the Department indicating the violations had been corrected.

11. In resolution of this matter, the Respondents 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. Respondents, Linda S. Davis and A Beautiful You, Inc. have violated:

- a. Wis. Stat. § 454.08(1)(b) by failing to obtain an establishment license prior to opening for business;
- b. Wis. Stat. § 454.08(6) by failing to have a licensed manager working at the salon;
- c. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by having one unlicensed employee who provided barbering and cosmetology services;
- d. Wis. Admin. Code § BC 4.04(1) by failing to have antiseptic at all workstations;
- e. Wis. Admin. Code § BC 4.04(2) by failing to have a supply bandages and disposable gloves in the establishment;
- f. Wis. Admin. Code § BC 3.01(6) by failing to properly store poisonous substances in a locked cabinet or closet; and
- g. Wis. Admin. Code § BC 4.02(4) by failing to keep clean and disinfected equipment properly stored in covered containers.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Linda S. Davis and A Beautiful You, Inc. are hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall jointly and severally pay a FORFEITURE in the amount of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) within 90 days of the date of this Order and shall pay COSTS in the amount of ONE HUNDRED SEVENTY DOLLARS (\$170.00) within 90 days of the date of this Order.

IT IS FURTHER ORDERED that:

3. A down payment of FIVE HUNDRED SEVENTY (\$570.00) shall be submitted within 30 days of the date of this order and four more payments of FIVE HUNDRED (\$500.00) will be due every 90 days from the date of the previous payment until the full TWO THOUSAND FIVE HUNDRED SEVENTY DOLLARS (\$2,570.00) is paid.

4. 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
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 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 timely submit any payment as ordered, then the Respondents' licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

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

IT IS FURTHER ORDERED that file 08 BAC 264 is hereby closed.

Dated this 1st day of June, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush