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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
: AS TO THE BUZZ HAIR DESIGN
THE BUZZ HAIR DESIGN, CRISTINA J. RINALDI, : AND CRISTINA J. RINALDI
MICHELLE L. HARTWIG, AND ROBIN Y. PAUL, :
RESPONDENTS. : LS0909142BAC

Division of Enforcement Case File # 08 BAC 092

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

The Buzz Hair Design
105 Kenosha Street
Walworth, WI 53184

Cristina J. Rinaldi
105 Kenosha Street
Walworth, WI 53184

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. Respondent The Buzz Hair Design is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-33412. This license was first granted to The Buzz Hair Design on 09/22/2005 and is current through 03/31/2011.

2. The most recent address on file with the Department of Regulation and Licensing for The Buzz Hair Design is 105 Kenosha Street, Walworth, WI 53184.

3. Respondent Cristina J. Rinaldi is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, license # 81-30748. This license was first granted to her on 09/21/2005 and is current through 03/31/2011.

4. The most recent address on file with the Department of Regulation and Licensing for Ms. Rinaldi is 105 Kenosha Street, Walworth, WI 53184.

5. On May 6, 2008, an investigator from the Department performed an unannounced inspection of The Buzz Hair Design (license # 80-33412) in Walworth, Wisconsin. The inspection revealed violations and a case was subsequently opened for investigation.

6. The May 6, 2008 inspection revealed that Robin Y. Paul, who had a current barbering and cosmetology practitioner license at the time of inspection, had been renting a chair at the salon for approximately two and one half years without having the required separate manager's license and establishment license.

7. The May 6, 2008 inspection revealed that Michelle L. Hartwig, who had a current barbering and cosmetology practitioner license at the time of inspection, had been renting a chair at the salon for approximately six months without having the required separate manager's license and establishment license.

8. The May 6, 2008 inspection revealed that Ms. Rinaldi did not have a lease agreement with Ms. Hartwig or Ms. Paul.

9. The May 6, 2008 inspection revealed that there were poisonous substances left out in the open in the public restroom and there was no supply of bandages in the establishment.

10. 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. This rule has been in effect since October 1, 2003, with a 1-year grace period for getting into compliance for any person renting a chair prior to the October 1, 2003 effective date.

11. 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.

12. Wis. Admin. Code § BC 3.01(6) requires, in part, that poisonous substances stored in public areas shall be locked in a cabinet or closet.

13. Wis. Admin. Code § BC 4.04(2) requires that all licensees working in an establishment shall be supplied with bandages and disposable gloves.

14. On July 25, 2008, Robin Y. Paul was granted a barbering and cosmetology manager's license (# 81-32382) and on May 28, 2009, Ms. Paul was granted a barbering and cosmetology establishment license (# 80-36877).

15. On July 25, 2008, Michelle L. Hartwig was granted a barbering and cosmetology manager's license (# 81-32381) and on May 28, 2009, Ms. Hartwig was granted a barbering and cosmetology establishment license (# 80-36871).

16. During the May 6, 2008 inspection, Ms. Rinaldi immediately removed the poisonous substances from the public restroom and put them in a supply room where the public does not have access.

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. By the conduct described in paragraphs 6-7 of the Findings of Fact, Respondent Rinaldi and Respondent The Buzz Hair Design have violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by renting chairs to barbering and cosmetology practitioners who did not have required separate manager's licenses and establishment licenses for their chair rentals. As a result, Ms. Rinaldi and The Buzz Hair Design are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

3. By the conduct described in paragraph 8 of the Findings of Fact, Respondent Rinaldi and Respondent the Buzz Hair Design have violated Wis. Admin. Code § BC 3.02(2)(a) by leasing a chairs to Michelle L. Hartwig and Robin Y. Paul without written lease agreements. As a result, Ms. Rinaldi and The Buzz Hair Design are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

4. By the conduct described in paragraph 9 of the Findings of Fact, Respondent Rinaldi and Respondent the Buzz Hair Design have violated Wis. Admin. Code § BC 3.01(6) by failing to keep poisonous substances stored in public areas locked in a cabinet or closet. As a result, Ms. Rinaldi and The Buzz Hair Design are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

5. By the conduct described in paragraph 9 of the Findings of Fact, Respondent Rinaldi and Respondent the Buzz Hair Design have violated Wis. Admin. Code § BC 4.04(2) by failing to have a supply of bandages in the establishment. As a result, Ms. Rinaldi and The Buzz Hair Design are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Cristina J. Rinaldi and The Buzz Hair Design be, and hereby are, REPRIMANDED.

2. Respondents Cristina J. Rinaldi and The Buzz Hair Design shall jointly and severally pay COSTS in the amount of THREE HUNDRED DOLLARS (\$300.00) and a FORFEITURE in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00).

IT IS FURTHER ORDERED that:

3. Payment of the costs and forfeiture, which total \$1,800.00, shall be paid in four installments. A payment of THREE HUNDRED DOLLARS (\$300.00) will be paid within thirty (30) days from the date of this Order and three more payments of FIVE HUNDRED DOLLARS (\$500.00) will be paid every ninety (90) days from the previous payment until \$1,800.00 is paid in full.

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 Cristina J. Rinaldi's license and the license for The Buzz Hair Design. 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 Cristina J. Rinaldi and The Buzz Hair Design fail to timely submit any payment as ordered, then their licenses (# 81-30748 and # 80-33412) SHALL BE SUSPENDED without further notice or hearing until they have complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 08 BAC 092 be, and hereby is, closed as to Respondents Cristina J. Rinaldi and The Buzz Hair Design.

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

Dated this _14th_ day of September_____, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush