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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 MICHELLE L. HARTWIG
THE BUZZ HAIR DESIGN, CRISTINA J. RINALDI, :
MICHELLE L. HARTWIG, AND ROBIN Y. PAUL, : LS0909143BAC
RESPONDENTS :

Division of Enforcement Case File # 08 BAC 092

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

Michelle L. Hartwig
N1655 Lincoln Avenue
Lake Geneva, WI 53147

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 Michelle L. Hartwig is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, license # 81-32381. This license was first granted to her on 07/25/2008 and is current through 03/31/2011. Ms. Hartwig is also licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, license # 82-85788. This license was first granted to her on 03/31/2006 and is current through 03/31/2011.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Ms. Hartwig is N1655 Lincoln Avenue, Lake Geneva, WI 53147.

3. 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.

4. The May 6, 2008 inspection revealed that Michelle L. Hartwig, who had only 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. The inspection also revealed that there was not a written lease agreement for the chair rental.

5. 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.

6. 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.

7. 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).

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 paragraph 4 of the Findings of Fact, Respondent Michelle L. Hartwig has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by practicing barbering and cosmetology services while renting a chair without having the required separate manager's license and establishment license for her chair rental. As a result, Respondent Hartwig is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Michelle L. Hartwig be, and hereby is, REPRIMANDED.

2. Respondent Michelle L. Hartwig shall pay COSTS in the amount of THREE HUNDRED DOLLARS (\$300.00) and a FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00).

IT IS FURTHER ORDERED that:

3. Payment of the costs and forfeiture, which total \$800.00, shall be paid in two installments. A payment of FOUR HUNDRED DOLLARS (\$400.00) will be paid within ninety (90) days from the date of this Order and one more payment of FOUR HUNDRED DOLLARS (\$400.00) will be paid one hundred eighty (180) days from the date of this Order.

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. Hartwig'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. Hartwig fails to timely submit any payment as ordered, then her licenses (# 81-32381 and # 82-85788) SHALL BE SUSPENDED without further notice or hearing until Ms. Hartwig has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 08 BAC 092 be, and hereby is, closed as to Respondent Michelle L. Hartwig.

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