

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
COLLEEN M. KLOSKE, : LS0909144BAC  
RESPONDENT. :

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Division of Enforcement Case No. 09 BAC 012

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

Colleen M. Kloske  
2294 Moritzville Avenue  
Merrill, WI 54452

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 **Colleen M. Kloske** is licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, having license # 82-84658. This license was first granted to her on 07/12/05 and is current through 03/31/09.
2. The most recent address on file with the Department of Regulation and Licensing for Ms. Kloske is 2294 Moritzville Avenue, Merrill, WI 54452.
3. A complaint was received by the Department alleging that Ms. Kloske was operating an unlicensed barbering and cosmetology establishment called “The Avenue” out of her home.
4. An unannounced visit was made to Ms. Kloske’s residence at 2294 Moritzville Avenue, Merrill, WI 54452 on February 11, 2009 by a Department of Regulation and Licensing investigator.
5. A sign posted in the front yard and on the back door of the residence stated “The Avenue Hair and Nails by Colleen.”
6. During the course of the visit to Ms. Kloske’s residence, she admitted to providing barbering and cosmetology services in her home for which she received compensation. Ms. Kloske stated that she provided services in her home for a

couple of months in 2008, and stated she no longer provided services for pay out of her home.

7. The inspection of Ms. Kloske's home revealed a fully functioning salon area with a workstation, service chair, mirror, styling implements, supplies and products, and a shampoo chair. A shampoo bowl was also present and had a nozzle hooked up to a long hose that ran from the bowl down the hallway and into the bathroom. A price list was also posted. Business cards on the workstation for "The Avenue" stated "Home of the \$10 haircut."

8. At no time was "The Avenue" establishment that Ms. Kloske operated out of her home licensed as a barbering and cosmetology establishment.

9. An Order to Correct was issued to Ms. Kloske stating that she cease all operation of the establishment out of her home until she obtains an establishment license, and she was ordered to remove all signs and advertising.

10. On February 18, 2009, Ms. Kloske informed the investigator that she was no longer providing services out of her home and that she had removed all signs and advertising.

### 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 **Colleen M. Kloske** has violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.04(1)(a) and 3.01(1) by providing barbering and cosmetology services out of her home without a barbering and cosmetology establishment license. As a result, Ms. Kloske is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Colleen M. Kloske** (license # 82-84658) be, and hereby is, **REPRIMANDED**.
2. **Colleen M. Kloske** shall, within 90 days of the date of this Order, pay **COSTS** in the amount of **ONE HUNDRED FIFTY (\$ 150.00)**.
3. **Colleen M. Kloske** shall pay a **FORFEITURE** in the amount of **ONE THOUSAND DOLLARS (\$1000.00)**. Payment of the forfeiture shall be made according to the following schedule:

<b>PAYMENT AMOUNT</b>	<b>PAYMENT DUE DATE</b>
\$250.00	30 days from the date of the Order
\$250.00	120 days from the date of the Order
\$250.00	210 days from the date of the Order
\$250.00	300 days from the date of the 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. Kloske's license. 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. Kloske fails to timely submit any payment as ordered, then her license (# 82-84658) **SHALL BE SUSPENDED** without further notice or hearing or board action until she has complied with the terms of this Order.

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

Dated this 14<sup>th</sup> day of September, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush

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