

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
: AS TO TANGLES
STEPHANIE J. KYLES AND TANGLES, :
RESPONDENTS : LS0909149BAC

Division of Enforcement Case File # 07 BAC 239

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

Tangles
Attn: Jane Karwowski, Mark Eliot, and Deb Rosin
1541 Bellevue Street, Ste. 103
Green Bay, WI 54311

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 Tangles is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-29886. This license was first granted to Tangles on 06/26/2001 and is current through 03/31/2011.
2. The most recent address on file with the Department of Regulation and Licensing for Tangles is 1541 Bellevue Street, Ste. 103, Green Bay, WI 54311.
3. On or about November 5, 2007, a complaint was received by the Wisconsin Department of Regulation and Licensing (Department) alleging that Stephanie J. Kyles (license # 82-83734, granted 11/15/2004, expired 04/01/2009) was renting a chair at Tangles without having the required separate manager's license and establishment license.
4. On April 16, 2008, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Tangles in Green Bay, Wisconsin. The inspection and investigation revealed that Ms. Kyles worked at Tangles from 2006 until April 2008 without having the required separate manager's license and establishment license. It was related to the Department by Mark Eliot, a co-owner of Tangles that Ms. Kyles became an employee of the salon right after the April 16, 2008 inspection.

5. Mr. Eliot acknowledged that Tangles did not have a lease agreement with Respondent Stephanie J. Kyles.

6. 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.

7. 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.

8. An Order to Correct was issued to Tangles following the April 16, 2008 inspection. The Order to Correct was never returned to the Department.

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 Tangles has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2)(b) by renting a chair to a barbering and cosmetology practitioner who did not have required separate manager's license and establishment license for her chair rental. As a result, Tangles is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

3. By the conduct described in paragraph 5 of the Findings of Fact, Respondent Tangles has violated Wis. Admin. Code § BC 3.02(2)(a) by leasing a chair to Stephanie J. Kyles without a lease agreement. As a result, Tangles is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

4. By the conduct described in paragraph 8 of the Findings of Fact, Respondent Tangles has violated Wis. Admin. Code § BC 3.05(2) by failing to return the Order to Correct and notifying the board of correction of violations within 5 days. As a result, Tangles is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Tangles be, and hereby is, REPRIMANDED.

2. Respondent Tangles shall pay COSTS in the amount of TWO HUNDRED DOLLARS (\$200.00) and a FORFEITURE in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00).

IT IS FURTHER ORDERED that:

3. A payment of THREE HUNDRED DOLLARS (\$300.00) will be paid within thirty (30) days from the date of this Order and two more payments of FIVE HUNDRED DOLLARS (\$500.00) will be paid ninety (90) days from the previous payment until \$1,300.00 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

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 Tangles' 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 Tangles fails to timely submit any payment as ordered, then Tangles' license (# 80-29886) SHALL BE SUSPENDED without further notice or hearing until Tangles has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 07 BAC 239 be, and hereby is, closed as to Respondent Tangles.

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