

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
:
IWONA PAWELEC AND FACE TO FACE, :
RESPONDENTS. : LS0911182BAC

Division of Enforcement Case File # 08 BAC 030

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

Iwona Pawelec
11031 N. Grenille Rd.
Mequon, WI 53097

Face to Face
8585 N. Port Washington Rd.
Fox Point, WI 53217

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Wisconsin 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 Iwona Pawelec is licensed in the state of Wisconsin as an Aesthetician, license # 86-259. This license was first granted to her on 06/03/1996 and is current through 03/31/2011. Ms. Pawelec is also licensed in the state of Wisconsin as a Manicurist, license # 85-1908. This license was first granted to her on 05/10/1995 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. Pawelec is 11031 N. Grenille Rd., Mequon, WI 53097.

3. Respondent Face to Face is licensed in the state of Wisconsin as an Aesthetics Establishment, license # 69-687. This license was first granted to Face to Face on 04/11/2008 and is current through 03/31/2011. Face to Face is also licensed in the state of Wisconsin as a Manicuring Establishment, license # 71-3311. This license was first granted to Face to Face on 04/11/2008 and is current through 03/31/2011.

4. The most recent address on file with the Department for Face to Face is 8585 N. Port Washington Rd., Fox Point, WI 53217.

5. On March 19, 2008, an investigator from the Department performed an unannounced inspection of Face to Face in Fox Point, Wisconsin. The inspection revealed violations and a case was subsequently opened for investigation.

6. The March 19, 2008 inspection revealed that Face to Face did not have a valid aesthetics establishment license or a valid manicuring establishment license. Department records showed that Ms. Pawelec had aesthetic establishment licenses for different locations that were both expired.

7. The Department's inspection and investigation revealed that Face to Face (8585 N. Port Washington Rd., Fox Point, WI) operated without a valid aesthetics establishment license for approximately 9 years and that Face to Face operated without a valid manicuring establishment license for approximately 11 years.

8. On April 11, 2008, Face to Face was granted an aesthetics establishment license, # 69-687 and a manicuring establishment license, # 71-3311.

9. In resolution of this matter, Respondents Iwona Pawelec and Face to Face consent to the entry of the following Conclusions of Law and Order.

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, Respondents Iwona Pawelec and Face to Face have violated Wis. Admin. Code § BC 3.01(1) by practicing aesthetics and manicuring outside a licensed establishment. As a result, Ms. Pawelec and Face to Face are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Iwona Pawelec and Face to Face be, and hereby are, REPRIMANDED.

2. Respondents Iwona Pawelec and Face to Face shall jointly and severally pay COSTS in the amount of ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) and a FORFEITURE in the amount of ELEVEN THOUSAND DOLLARS (\$11,000.00).

IT IS FURTHER ORDERED that:

3. Payment of the costs and forfeiture, which total \$11,175.00, shall be paid in 11 installments. A payment of ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$1,175.00) will be paid within ninety (90) days from the date of this Order and 10 more payments of ONE THOUSAND DOLLARS (\$1,000.00) will be paid every ninety (90) days from the previous payment until \$11,175.00 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 Iwona Pawelec's licenses and the licenses for Face to Face. 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 Iwona Pawelec and Face to Face fail to timely submit any payment as ordered, then their licenses (# 86-259, 85-1908, 69-687, and 71-3311) SHALL BE SUSPENDED without further notice or hearing until they have complied with the terms of this Order.

IT IS FURTHER ORDERED, that:

6. File, 08 BAC 030 be, and hereby is, closed as to Respondents Iwona Pawelec (# 86-259 and # 85-1908) and Face to Face (# 69-687 and # 71-3311).

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

Dated this 18th day of November, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie Bush