

# 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  
:  
GLORIA J. PROBYN , : LS0911183BAC  
RESPONDENT. :

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Division of Enforcement Case No. 07 BAC 155

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

Gloria J. Probyn  
1211 18<sup>th</sup> Drive  
Arkdale, WI 54613

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 Barbering and Cosmetology Examining Board (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 Gloria J. Probyn is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license # 81-12414. This license was first granted to her on 11/19/73 and is current through 04/01/11. The most recent address on file with the Department of Regulation and Licensing for Ms. Probyn is 1211 18<sup>th</sup> Drive, Arkdale, WI 54613.

2. At all times relevant to this matter, Ms. Probyn was listed as the owner and manager of Side Street Salon, a barbering and cosmetology establishment. As owner and manager, Ms. Probyn was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code Chs. BC 2, BC 3 and BC 4.

3. A complaint was received by the Department alleging that an individual with a barbering and cosmetology practitioner license was renting a chair from Ms. Probyn at Side Street Salon without having a separate manager's license and separate establishment license.

4. 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.

5. During the course of the Department's investigation, Ms. Probyn admitted she had rented a chair to an individual who did not have a separate manager's license or establishment license.

6. Ms. Probyn took corrective measures and all individuals working at the establishment are properly licensed.

### 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 Gloria J. Probyn has violated Wis. Admin. Code §§ BC 2.04(1) and BC 3.02(2) by renting a chair to an individual who did not have a separate establishment license or separate manager's license. Respondent is therefore subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Gloria J. Probyn (license # 81-12414) is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Gloria J. Probyn shall pay a FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00) within 90 days of the date of this Order.

3. Gloria J. Probyn shall pay COSTS in the amount of ONE HUNDRED DOLLARS (\$100.00) within 30 days of 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. In the event Respondent Gloria J. Probyn fails to timely submit any payment as ordered, then Ms. Probyn's license (# 81-12414) SHALL BE SUSPENDED without further notice or hearing until she has complied with the terms of this Order.

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

Dated this 18<sup>th</sup> day of November 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush

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