

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
: :
KATHYRN P. SHORT, :
RESPONDENT. : LS0911184BAC

Division of Enforcement Case #08 BAC 67

The parties to this action for the purposes of §227.53, Wis. Stats., are:

Kathryn P Short
PO Box 118
Pulaski WI 54162

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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 decision 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 Kathryn P. Short, (d.o.b. 9/7/63), is a barbering and cosmetology manager licensed in the State of Wisconsin pursuant to license #21145-81, originally granted on 9/9/85. Respondent owns and manages "Going Places," a licensed establishment located at 409 S. St. Augustine, Pulaski, Wisconsin, license #29408-80, first granted 10/10/02.
2. On and between 7/10/07 and 5/15/09, Respondent allowed her license, and that of her establishment, to lapse without renewal. During this time, Respondent regularly conducted her cosmetology business at Going Places, as if the licenses were current. Respondent represents to the Board that this was an oversight, and that she did not intend to fail to renew the licenses. Respondent promptly renewed the licenses when the lapse was called to her attention by a Board investigator, during an inspection.
3. At an inspection conducted by a Board investigator on 5/14/09, Respondent was found to have her pet dog in the establishment, to have no license displayed for either the establishment or herself as the manager, to have an aerosol air freshener spray can in the public restroom, to have loose clipped hair in drawers where clean implements were stored, to have hair and residue in shampoo bowls which were apparently to be used for clients, to have brushes ready for use on clients with hair in them from previous clients, to be changing the Barbicide weekly instead of daily, to fail to have topical antiseptic at work stations, and to be performing waxing procedures without disposing of the spatula after each application. A Notice of Compliance was issued to Respondent, and she reported correcting all violations by 6/1/09.

CONCLUSIONS OF LAW

A. 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).

B. The conduct described in paragraph 2, above, violated Wis. Stat. § 454.08(1)(b) and Wis. Adm. Code §§ BC 2.04(1) and 3.01(1). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes

C. The conduct described in paragraph 3, above, violated Wis. Adm. Code §§ BC 2.07(2), 3.01(10), 4.01(1) and (5), 4.02(3) and (5), 4.04(1), and 4.08(3)(b). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Kathryn P. Short, Respondent, is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Respondent shall FORFEIT \$1500, to be paid at the rate of no less than \$150 per month, commencing the month following the adoption of this Order.

IT IS FURTHER ORDERED, that Respondent shall pay COSTS in this matter in the amount of \$600, at the rate of no less than \$150 per month, commencing the month following completion of the payment of the forfeiture ordered, above.

IT IS FURTHER ORDERED, that pursuant to Wis. Stat. § 227.51(3), and Wis. Adm. Code ch. RL 6, 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 Respondent'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 Respondent fails to timely submit any payment of the forfeiture or costs as set forth above, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid the entire forfeiture and all costs, in full, together with any accrued interest.

IT IS FURTHER ORDERED, that the investigation of licensee Going Places is closed.

Dated this 18th day of November, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD, by:

Jeannie Bush
a member of the board