

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
LAURIE A. LEWIS,	:	LS0908281BAC
RESPONDENT.	:	

Division of Enforcement Case No. 07 BAC 215

The State of Wisconsin, Barbering and Cosmetology Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Barbering and Cosmetology Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 11th day of February, 2010.

(s) Jannine Bugh
Member
Barbering and Cosmetology Examining Board



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Disciplinary Proceedings
Against **LAURIE A. LEWIS**, Respondent

PROPOSED DECISION AND ORDER
Case No. LS0908281BAC

Division of Enforcement Case No. 07 BAC 215

The parties to this proceeding for purposes of Wis. Stat § 227.53 are:

Laurie A. Lewis, *pro se*
10226 Root River Drive
Caledonia, WI 53108

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

Department of Regulation and Licensing (Department), by

Attorney Jacquelynn B. Rothstein
Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The complaint was filed on August 28, 2009. Hearing in the above-captioned matter was held at the Department of Regulation and Licensing, Madison, Wisconsin on October 21, 2009, before David R. Braithwaite, Administrative Law Judge with the Division of Hearings and Appeals.

The issue for hearing is whether or not on or about March 20, 2009, the Respondent practiced barbering and cosmetology outside of a licensed establishment (in her home) without proper credentials.

FINDINGS OF FACT

1. Laurie A. Lewis lives at 10226 Root River Drive, Caledonia, Wisconsin, 53108. She is duly licensed in the State of Wisconsin as a barbering and cosmetology manager (license #26469-81). This license was first granted on June 20, 1996.

2. On March 20, 2009, the Respondent practiced barbering and cosmetology outside of a licensed establishment without property credentials. More specifically, on said date the Respondent was contacted via telephone by an investigator for the Barbering and Cosmetology Examining Board. The investigator inquired as to whether or not she would be willing to cut her hair in the Respondent's home. The Respondent replied that that she would and that it would cost \$10.00. The investigator went to her home and entered therein. While inside the home, the investigator observed a chair commonly used for barbering purposes, a hair dryer and other amenities commonly used in barbering and cosmetology licensed establishments. The investigator asked the Respondent if she would cut her hair and for how much. At the hearing, the Respondent indicated for \$10.00. The investigator then revealed her identity and the Respondent admitted that she had been cutting hair in her home. At the hearing, the Respondent denied that she made such an admission and that she was cutting hair in her home. She testified that the items in her home were just kept there temporarily and that once in a while she may cut hair for her family. However, her testimony is not credible in light of the credible testimony of the investigator.

3. The Respondent did on about March 20, 2009, provide personal care services outside a licensed establishment. Her home was not a licensed establishment. She did so knowingly and in violation of Wis. Admin. Code § BC 2.045(1).

4. The Respondent currently is having her residence foreclosed upon. She suffers from bipolar illness.

5. The licensing authority has proposed a forfeiture in the amount of \$1000.00 with no costs for the above violation. However, due to equitable circumstances, i.e. in the client's difficult economic and mental health status, I recommend that \$500.00 be forfeited. This will have a significant impact upon the Respondent and likely result in the deterrent effect that said forfeiture is designed to accomplish.

CONCLUSIONS OF LAW

1. Laurie A. Lewis by the conduct referred to in paragraph number 3 has violated Wis. Admin. Code § BC 2.045(1).

PROPOSED ORDER

For the reasons set forth above, IT IS HEREBY ORDERED that the Barbering and Cosmetology Examining Board order that Laurie A. Lewis pay to the Department of Regulation and Licensing a forfeiture of \$500.00 to be submitted within 30 days from the date of this order.

Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

Dated at Madison, Wisconsin on October 28, 2009.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-3865
FAX: (608) 264-9885

By: David R. Braithwaite
David R. Braithwaite
Administrative Law Judge