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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

CAROLYN J. SUTTER,
RESPONDENT

Order 0000167

Division of Enforcement Case File #06 BAC 091

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

Carolyn J. Sutter
5505 63rd Street
Kenosha, Wisconsin 53142

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on 8/13/09. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition 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. Carolyn J. Sutter is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license number #17639-81). This license was first granted on November 3, 1986, and is current until March 31, 2011. The last address Ms. Sutter reported to the Department is 5505 63rd Street, Kenosha, Wisconsin 53142.

2. On June 7, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 4214 52nd St., Kenosha, Wisconsin, a licensed barbering or cosmetology establishment (#15777). The investigator found eight work stations with hair clippings in contact with clean contact equipment. One work station did not have tuberculocidal disinfectant for non-metal contact equipment. One employee did not have a legible license posted, while another employee had no license posted at all. There was no manager license posted in the establishment. The investigator found hair on the floor of the establishment and hair in a shampoo sink. Departmental records show that Ms. Sutter was the manager of record at the establishment from June 18, 1991, through September 13, 2007.

3. On June 7, 2007, an investigator for the Board inspected Cost Cutters Family Hair Salon, 6430 Green Bay Rd., Kenosha, Wisconsin, a licensed as a barbering or cosmetology establishment (#34206). The investigator found seven work stations with hair clippings in contact with clean contact equipment. The establishment had poisonous substances in an unlocked cabinet in a public area. The investigator observed that two employees did not wash their hands between clients. Departmental records show that Ms. Sutter was the manager of record at the establishment from June 18, 1991, through September 13, 2007.

4. On June 14, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 8038 22nd Ave., Kenosha, Wisconsin, a licensed barbering or cosmetology establishment (#16349). The investigator found six work stations with hair clippings and/or personal items in contact with clean contact equipment. The establishment did not have tuberculocidal disinfectant for non-metal contact equipment. Departmental records show that Ms. Sutter was the manager of record at the establishment from June 18, 1991, through September 13, 2007.

5. On June 14, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 1901 Milwaukee Ave., Burlington, Wisconsin, a licensed barbering or cosmetology establishment (#31714). The investigator found four work stations with hair clippings in contact with clean contact equipment. One work station did not have clean contact equipment in a covered container. Two work stations in the establishment did not have tuberculocidal disinfectant for non-metal contact equipment. The investigator found hair in a shampoo sink. Departmental records show that Ms. Sutter was the manager of record at the establishment from November 12, 2003, through September 13, 2007.

6. On July 5, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 6104 Regency West Dr., Racine, Wisconsin, a licensed barbering or cosmetology establishment (#34723). The investigator found three work stations with hair clippings in contact with clean contact equipment. One work station had under strength disinfectant. One work station did not have a disinfectant for non-metal contact equipment. One employee did not have a current practitioner license posted. Departmental records show that Ms. Sutter was the manager of record at the establishment from February 16, 2007, through September 13, 2007.

7. On July 5, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 5131 Douglas Ave., Racine, Wisconsin, a licensed barbering or cosmetology establishment (#21611). The investigator found seven work stations with hair clippings and/or personal items in contact with clean contact equipment. The investigator observed that employees did not wash

their hands between customers. The investigator found hair left in a shampoo basin at one work station. Departmental records show that Ms. Sutter was the manager of record at the establishment from August 9, 1991, through September 13, 2007.

8. On July 5, 2007, an investigator for the Board inspected Cost Cutters, 5630 Washington Ave., Racine, Wisconsin, a licensed barbering or cosmetology establishment (#31055). The investigator found eight work stations with hair clippings in contact with clean contact equipment. Departmental records show that Ms. Sutter was the manager of record at the establishment from October 7, 2002, through September 13, 2007.

9. On July 5, 2007, an investigator for the Board inspected Cost Cutters Family Hair Care, 3049 S. Oaks Rd., Sturtevant, Wisconsin, a licensed barbering or cosmetology establishment (#27834). The investigator found one work station with hair clippings in contact with clean contact equipment. Departmental records show that Ms. Sutter was the manager of record at the establishment from November 12, 2003, through May 8, 2008.

10. On January 24, 2008, an investigator for the Board inspected Supercuts, 6935 75th St., Kenosha, Wisconsin, a licensed as a barbering or cosmetology establishment (#30655). The investigator found six work stations with hair clippings in contact with clean contact equipment. The establishment had poisonous substances in an unlocked cabinet in a public area. One work station did not have clean contact equipment in a covered container. Departmental records show that Ms. Sutter was the manager of record at the establishment from September 23, 2002, through May 8, 2008.

11. On January 29, 2008, an investigator for the Board inspected Supercuts, 7410 118th Ave., Kenosha, Wisconsin, a licensed barbering or cosmetology establishment (#30258). The investigator found five work stations with hair clippings in contact with clean contact equipment. Departmental records show that Ms. Sutter was the manager of record at the establishment from February 13, 2002, through May 8, 2008.

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. Wis. Adm. Code § BC 2.07 (1) provides that the licensed manager of a barbering and cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with chapter 454, Stats., and Wis. Adm. Code chapters BC 3 and 4.
- C. Respondent, by the actions set forth in the Findings of Fact, above, violated Wis. Stat. §§ 454.04(7) and 454.15(2)(i), and Wis. Adm. Code §§ BC 2.07(2), 3.01(4), 3.01(6), 4.01(4), 4.01(2), 4.01(5), and 4.02(3).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Carolyn J. Sutter is hereby **REPRIMANDED**.

IT IS ALSO ORDERED that Carolyn J. Sutter shall pay to the Department of Regulation and Licensing a forfeiture in the amount of TWO THOUSAND ONE HUNDRED dollars (\$2,100); this forfeiture is imposed jointly and severally with the forfeiture imposed upon David J. Barnes, Respondent's employer, by separate order.

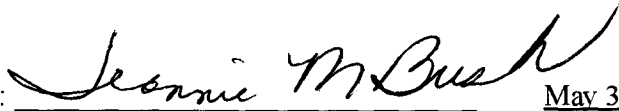
Payment shall be submitted within 120 days from the date of this order. Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

IT IS FURTHER ORDERED that in the event that Respondent fails to pay the forfeiture in full by the date specified, her license shall be **SUSPENDED** without further notice or proceedings, until the forfeiture is paid in full, together with any accrued interest.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:  May 3, 2010
A member of the Board Date