

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
	:	OF DEFAULT
JENNIFER L. NEAS	:	
RESPONDENT	:	ORDER 0000247

Division of Enforcement Case File Number 08 BAC 185

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

Jennifer L. Neas
10232 North Lumberjack Avenue
Hayward, WI 54843

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

This matter comes before the Wisconsin Barbering and Cosmetology Examining Board (Board) as citations Respondent failed to pay. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Jennifer L. Neas is licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, license number 82-79508. This license was first granted to Ms. Neas on 08/14/2000 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. Neas is 10232 North Lumberjack Avenue, Hayward, WI 54843.

3. On or about June 24, 2008, the Department received a consumer complaint alleging sanitation violations at Sulis (formerly known as Image Day Spa) in Hayward, Wisconsin. A case was subsequently opened for investigation.

4. On August 28, 2008, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Sulis (license numbers 71-3027 and 69-567) and performed an inspection. As a result of the inspection, the owner of Sulis, Jennifer L. Neas, was issued a \$405.00 citation for failure to properly disinfect a pedicure bowl. A true and correct copy of this citation is attached as **Exhibit A** and is incorporated herein by reference.

5. As a result of the August 28, 2008 inspection, Ms. Neas was also issued a \$130.00 citation for failure to keep a poisonous substance (bleach cleaner) in a locked cabinet while in a public area. A true and correct copy of this citation is attached as **Exhibit B** and is incorporated herein by reference.

6. Both citations were handed to Ms. Neas by the Department investigator at the conclusion of the August 28, 2008 inspection. Ms. Neas has not paid the citations that were issued to her on August 28, 2008.

7. Sulis is not in business any longer.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. By the conduct described in paragraph 4 of the Findings of Fact, Respondent Jennifer Neas has violated Wis. Admin. Code § BC 4.02(1) by failing to properly disinfect a pedicure bowl. As a result, Jennifer Neas is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

3. By the conduct described in paragraph 5 of the Findings of Fact, Respondent Jennifer Neas, Sulis has violated Wis. Admin. Code § BC 3.01(6) by failing to keep a poisonous substance in a locked cabinet when in a public area. As a result, Jennifer Neas is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

4. Respondent Jennifer Neas is in default pursuant to Wis. Admin. Code § BC 10.07(1) for failing to make a deposit.

5. Pursuant to Wis. Admin. Code § BC 10.07(1), the Board has the authority to issue an order of default against Respondent Jennifer Neas for the amounts identified in the citations without further proceedings.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Jennifer Neas is in DEFAULT and shall pay to the Wisconsin Department of Regulation and Licensing a total forfeiture in the amount of FIVE HUNDRED THIRTY-FIVE DOLLARS (\$535.00) within twenty (20) days from the date of this Order.

2. 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
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

3. 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 refusal to renew credentialing or additional disciplinary action.

IT IS FURTHER ORDERED that file 08 BAC 185 be, and hereby is, closed.

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

Dated this 7 day of June, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush

Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935
Madison, WI 53708-8935

FAX #: (608) 266-2264
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: web@drl.state.wi.us
Website: http://drl.wi.gov

BARBERING AND COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

<input checked="" type="checkbox"/> CITATION DOE CASE FILE # <u>08 bae 185</u>	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>JENNIFER NEAS 82-79508</u>	OR <input type="checkbox"/> Establishment Name License # _____

10232 N. LUMBER JACK AVE HAYWARD 54843
Street City Zip
THURSDAY AUGUST 28, 2008 11:34am
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

FAILURE TO PROPERLY DISINFECT PEDICURE BOWLS

In violation of Section bca.02C17 of Wis. Stats. OR Wis. Adm. Code
Candace Clelland Consumer Protection Investigator III 8/28/08
Signature of Investigative Staff Title Date

Signature of Licensee OR Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 405.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935
Madison, WI 53708-8935

FAX #: (608) 266-2264
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703

E-Mail: web@drl.state.wi.us
Website: http://drl.wi.gov

BARBERING AND COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

<input type="checkbox"/> CITATION DOE CASE FILE # <u>DS 6AE 195</u>	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>JENNIFER NEAS</u> <u>82-79508</u>	OR <input type="checkbox"/> Establishment Name License # _____

10232 N LUMBERJACK AVE HAYWARD 51843
Street City Zip

THURSDAY AUGUST 28, 2008 10:31 am
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

FAILURE TO KEEP POISONOUS SUBSTANCE (BLEACH CLEANER)
IN A LOCKED CABINET, CABINET IN PUBLIC AREA

In violation of Section hrs.01 (6) of Wis. Stats. OR Wis. Adm. Code
Candace Obledo Consumer Protection Investigator III 7/28/08
Signature of Investigative Staff Title Date

Signature of Licensee OR Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 130.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

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