

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/wscca>.
- 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 DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

REGENCY BEAUTY INSTITUTE,
RESPONDENT.

:
:
:
:
:
:

FINAL DECISION AND ORDER
ORDER 0000277

Division of Enforcement Case File Number 07 RBC 010

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

Regency Beauty Institute
Attn: Regency Corporation
7995 W. Layton Avenue
Greenfield, WI 53220

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
1400 East Washington Avenue
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 Department of Regulation and Licensing (Department). The Department has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Regency Beauty Institute is duly licensed as a school of barbering or cosmetology in the state of Wisconsin (license # 87-119). That license was first granted on April 10, 2007 and is current through August 31, 2011.
2. Regency Corporation's most recent address on file with the Department is 7995 W. Layton Avenue, Greenfield, WI 53220.
3. During the time period July 2007 through March 2008, Regency Beauty Institute allowed personnel without current barbering or cosmetology instructor licenses to provide practical instruction to students, including the following individuals:

- a. Nicole Manchester provided practical instruction on 70 occasions between July 2, 2007 and March 1, 2008. Ms. Manchester was not granted a barbering or cosmetology instructor license until March 28, 2008.
 - b. Sherri Wilks (now known as Sherri Sievert) provided practical instruction on 48 occasions between July 11, 2007 and October 8, 2007. Ms. Wilks' barbering or cosmetology instructor license expired on June 30, 2007.
 - c. Jessica Navejar provided practical instruction on 16 occasions between September 8, 2007 and December 7, 2007. Ms. Navejar was not granted a barbering or cosmetology instructor license until December 10, 2007.
 - d. Sarah Wesel provided practical instruction on 19 occasions between September 17, 2007 and February 18, 2008. Ms. Wesel was not granted a barbering or cosmetology instructor license until March 6, 2008.
 - e. Debra Owens-Goudy provided practical instruction on 18 occasions between October 22, 2007 and March 1, 2008. Ms. Owens-Goudy was not granted a barbering or cosmetology instructor license until July 25, 2008.
 - f. Mary Beth Cottrill provided practical instruction on 6 occasions between February 11, 2008 and February 29, 2008. Ms. Cottrill was not granted a barbering or cosmetology instructor license until May 12, 2008.
4. In resolution of this matter, Respondent Regency Beauty Institute consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.64 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44 (5).
2. Wis. Stat. §§ 440.60 through 440.64 constitute subchapter V of Wis. Stat. chapter 440.
3. Wis. Stat. § 440.60(13) defines "practical instruction" as "training through action or direct contact with a patron or model other than a mannequin."
4. Wis. Stat. § 440.63(1)(a) provides that no person may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless the person holds a current barbering or cosmetology instructor certificate issued by the Department.
5. Wis. Admin. Code § RL 62.11(1) provides that no owner, director, officer, shareholder, or managing employee of any school may:
 - (e) allow an unlicensed person to provide practical instruction to any student.
 - (g) violate subchapter V of Wis. Stat. ch. 440 or Wis. Stat. ch. 454, or the rules contained in Wis. Admin. Code ch. 62.

6. By the conduct described in paragraph 3 of the Findings of Fact, Respondent violated Wis. Stat. § 440.63(1) and Wis. Admin. Code §§ RL 62.11(1)(e) and RL 62.11(1)(g).
7. Therefore, Respondent is subject to discipline pursuant to Wis. Stat. § 440.64(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Regency Beauty Institute to operate as a school of barbering or cosmetology in the state of Wisconsin (license # 87-119) is hereby REPRIMANDED.
2. Regency Beauty Institute shall, within one hundred twenty (120) days from the date of this order, pay a FORFEITURE of \$15,000 and COSTS in the amount of \$1,400 for a total amount of SIXTEEN THOUSAND FOUR HUNDRED DOLLARS (\$16,400.00) in this matter. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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 summary suspension of Respondent's license. The Department 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 payment of the forfeiture and costs as set forth above, Respondent's license (#87-119) may, in the discretion of the Secretary or her designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.
4. This Order is effective on the date of its signing.

By: _____

Celia M. Jackson, Secretary

Date

7/8/10

:hlc