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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

LE FOX HAIR STUDIO and :
LANE E. FOX, :
RESPONDENTS. :

FINAL DECISION AND ORDER

ORDER 0000 403

Division of Enforcement Case File Number 06 BAC 142

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Le Fox Hair Studio
644 North 2nd Avenue
Onalaska, Wisconsin 54650

Lane E. Fox
644 North 2nd Avenue
Onalaska, Wisconsin 54650

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

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 Barbering and Cosmetology Examining Board. The Barbering and Cosmetology Examining Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Barbering and Cosmetology Examining Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Le Fox Hair Studio (Le Fox) is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #80-33900). This license was first granted on April 6, 2006, and is current until March 31, 2011. The last address that Le Fox reported to the

Department of Regulation and Licensing (Department) is 644 North 2nd Avenue, Onalaska, Wisconsin 54650.

2. Lane E. Fox (Date of Birth of October 17, 1957) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-31750). This license was first granted on July 24, 2007, and is current until March 31, 2011. The last address that Mr. Fox reported to the Department is 644 North 2nd Avenue, Onalaska, Wisconsin 54650. Mr. Fox is identified in Department records as the owner of Le Fox.

3. Lane E. Fox was licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license #82-86831) from February 9, 2007 through June 30, 2007. That license expired on July 1, 2007, and has not been renewed.

4. From April 11, 2006, through February 23, 2007, Le Fox operated without a manager of record.

5. From August 16, 2006, through February 8, 2007, Mr. Fox performed barbering or cosmetology services at Le Fox without any valid Wisconsin barbering or cosmetology license.

6. In resolution of this matter, Le Fox Hair Studio and Lane E. Fox consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. sec. 227.44(5).

3. By the conduct referred to in Paragraph 5 of the above Findings of Fact, Lane E. Fox has violated Wis. Stat. sec. 454.04(1)(a) - Except as permitted under pars. (b) and (d), no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license, temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.

4. By the conduct referred to in Paragraphs 4 and 5 of the above Findings of Fact, Le Fox Hair Studio and Lane E. Fox have violated Wis. Admin. Code § BC 2.04(1) - Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

5. By the conduct referred to in Paragraphs 4 and 5 of the above Findings of Fact, Lane E. Fox has violated Wis. Admin. Code § BC 2.06 - The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.

6. By the conduct referred to in Paragraph 4 of the above Findings of Fact, Lane E. Fox has violated Wis. Admin. Code § BC 2.06(5) - In the case of the owner of a barbering and cosmetology establishment, employ a manager who shall have direct authority over the operations of the establishment.

7. By the conduct referred to in Paragraphs 4 and 5 of the above Findings of Fact, Le Fox Hair Studio and Lane E. Fox have violated Wis. Admin. Code § BC 2.08(1)(b) – Licensees holding current licenses or permits granted under ch. 454, Stats., shall: (b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.

8. By the conduct referred to in Paragraph 4 of the above Findings of Fact, Lane E. Fox has violated Wis. Admin. Code § BC 3.02(1) - The owner of a barbering and cosmetology establishment shall not operate the establishment unless a licensed manager has been employed for the establishment, subject to the exception for temporary unavailability of a manager in s. BC 2.06(5).

9. As a result of the violations noted in paragraphs 3 through 8 of the above Conclusions of Law, Le Fox Hair Studio and Lane E. Fox are subject to discipline pursuant to Wis. Stat. sec. 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the barbering and cosmetology establishment license of Le Fox Hair Studio (license #80-33900), the barbering or cosmetology manager license of Lane E. Fox (license #81-31750) and the barbering or cosmetology license of Lane E. Fox (license #82-86831) shall be REPRIMANDED.

IT IS ALSO ORDERED that Le Fox Hair Studio shall pay a forfeiture in the amount of THREE HUNDRED dollars (\$300.00) and Lane E. Fox shall pay a forfeiture in the amount of THREE HUNDRED dollars (\$300.00) in this matter.

IT IS FURTHER ORDERED that Le Fox Hair Studio shall pay costs in the amount of FOUR HUNDRED FIFTY dollars (\$450.00) and Lane E. Fox shall pay costs in the amount of FOUR HUNDRED FIFTY dollars (\$450.00) in this matter.

Le Fox Hair Studio shall pay One Hundred Twenty-Five dollars (\$125.00) of the forfeiture and costs within 30 days of the effective date of this Order. Le Fox Hair Studio shall make five (5) additional payments of One Hundred Twenty-Five dollars (\$125.00) of the forfeiture and the costs every ninety (90) days after the initial payment.

Lane E. Fox shall pay One Hundred Twenty-Five dollars (\$125.00) of the forfeiture and costs within 30 days of the effective date of this Order. Lane E. Fox shall make five (5) additional payments of One Hundred Twenty-Five dollars (\$125.00) of the forfeiture and the costs every ninety (90) days after the initial payment.


Payments 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
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-267-3817

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 Respondents' licenses. 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 Le Fox Hair Studio fails to timely submit payment of the costs and forfeiture as set forth above, the barbering and cosmetology establishment license of Le Fox Hair Studio (license #80-33900), may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Le Fox Hair Studio has complied with payment of the costs and forfeiture. In the event Lane E. Fox fails to timely submit payment of the costs and forfeiture as set forth above, the barbering or cosmetology manager license of Lane E. Fox (license #81-31750) and the barbering or cosmetology practitioner license of Lane E. Fox (license #82-86831), may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Le Fox Hair Studio has complied with payment of the costs and forfeiture.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:  9-13-10
A member of the Board Date