

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
TAMARA KELLERMAN,	:	
RESPONDENT.	:	ORDER 0000 405

Division of Enforcement Case File Number 08 BAC 086

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

Tamara Kellerman
3821 Evergreen Ave
Wisconsin Rapids, WI 54494

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 a citation that 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 Tamara Kellerman is licensed in the state of Wisconsin as a Barbering or Cosmetology Manager, license number 81-23790. This license was first granted to Ms. Kellerman on 05/01/1990 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. Kellerman is 3821 Evergreen Ave, Wisconsin Rapids, WI 54494.

3. On April 23, 2008, an investigator from the Department performed an inspection of Ms. Kellerman's establishment, Fantastic Sams, 2936 New Pinery Road, Portage WI 53901.

4. As a result of the April 23, 2008 inspection, Ms. Kellerman was issued a \$405 citation for the establishment's failure to have a full-time manager, in violation of Wis. Admin. Code §§ BC 3.02(1) and 2.06(5). The citation stated, "The establishment does not have a full time (30 hours) manager. The person designated 'manager' holds a practitioner's license. Owner is a licensed manager, but is not present at least 30 hours per week." A true and correct copy of this citation is attached as **Exhibit A** and is incorporated herein by reference.

5. The citation was handed to Ms. Kellerman by the Department investigator at the conclusion of the April 23, 2008 inspection. On May 1, 2008, Ms. Kellerman called the investigator in response to the citation and stated she would send a letter responding to the citation. No letter from Ms. Kellerman was received by the Department.

6. On June 25, 2010, a Department attorney sent a letter to Ms. Kellerman enclosing a copy of the citation and warning that if the citation was not paid by August 20, 2010, the attorney would request that the Barbering and Cosmetology Examining Board issue a default order ordering payment of the citation.

7. Ms. Kellerman has not paid the citation that was issued to her on April 23, 2008.

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. Respondent Tamara Kellerman violated Wis. Admin. Code §§ BC 3.02(1) and 2.06(5) by operating a barbering and cosmetology establishment without a full time manager, as described in paragraph 4 of the Findings of Fact. As a result, Tamara Kellerman is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

3. Respondent Tamara Kellerman is in default pursuant to Wis. Admin. Code § BC 10.07(1) for failing to make a deposit.

4. Pursuant to Wis. Admin. Code § BC 10.07(1), the Board has the authority to issue an order of default against Respondent Tamara Kellerman for the amounts identified in the citation without further proceedings.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Tamara Kellerman is in DEFAULT and shall pay to the Wisconsin Department of Regulation and Licensing a total forfeiture in the amount of FOUR HUNDRED FIVE DOLLARS (\$405.00) within thirty (30) days from the date of this Order.

2. Payment shall be made 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 086 be, and hereby is, closed.

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

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leanne 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

08 BAC 086

BARBERING AND COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

<input type="checkbox"/> CITATION DOE CASE FILE # _____	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name <u>Tamara Kellerman</u> OR <input type="checkbox"/> Establishment Name _____	
License # <u>21-23790</u>	License # _____

2936 New Pinery Rd. Portage WI 53901
Street City Zip

Wednesday 4-23-08 12:15 pm
Day of Week Date Time

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

The establishment does not have a full time (30 hours) manager. The person designated "manager" holds a practitioners license. Owner is a licensed manager, but is not present at least 30 hours per week.

In violation of Section 3.02(1) + 2.06(5) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
Kellerman Investigator 4-23-08
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 AND COSTS 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 PLUS COSTS, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

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

#2683 (8/04)
Ch. 454, Stats.

Committed to Equal Opportunity in Employment and Licensing

STATE'S
EXHIBIT

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