

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 BARBERING AND COSMETOLOGY EXAMINING BOARD

| | | |
|---------------------------------------|---|--------------------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| SMARTSTYLE # 4873 AND LYNN L. SZYDEL, | : | |
| RESPONDENTS | : | ORDER 0000408 |

Division of Enforcement Case File # 08 BAC 121

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

Smartstyle # 4873
c/o Minnesota Regis Corp.
4115 Calumet Avenue
Manitowoc, WI 54220

Lynn L. Szydel
4115 Calumet Avenue
Manitowoc, WI 54220

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Barbering and Cosmetology Examining Board (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. Respondent Smartstyle # 4873 (Smartstyle) is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-35416. This license was first granted to Smartstyle on 10/29/2007 and is current through 03/31/2011.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Smartstyle is c/o Minnesota Regis Corporation, 4115 Calumet Avenue, Manitowoc, WI 54220.

3. Respondent Lynn L. Szydel is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, license # 81-32469. This license was first granted to her on 09/12/2008 and is current through 03/31/2011. Ms. Szydel was licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, license # 82-54876. This license was first granted to her on 12/05/1988 and it expired on 03/31/2009.

4. The most recent address on file with the Department for Ms. Szydel is 3743 Mackert Street, Manitowoc, WI 54220.

5. On May 14, 2008, a consumer protection investigator for the Department conducted an inspection of Smartstyle as part of a series of inspections of establishments in Smartstyle's geographic area. The following sanitation violations were found during the inspection:

- a. Licenses were not posted in a conspicuous place, contrary to Wis. Admin. Code §§ BC 2.07(2) and BC 3.01(13);
- b. No person who was then licensed as a manager was employed by Smartstyle, contrary to Wis. Admin. Code § BC 3.02(1);
- c. Hair was found in drawers and containers in drawers with items that should have been kept sanitary, contrary to Wis. Admin. Code § BC 4.01(1); and
- d. Organic material was found in "clean" brushes and combs, contrary to Wis. Admin. Code § BC 4.02(3).

6. A Notice of Compliance was issued to the salon at the time of inspection. It was returned to the Department by a Smartstyle regional manager on May 21, 2008, who agreed to correct the violations found during the inspection. Employee Lynn Szydel sat for the Barbering and Cosmetology Manager examination on August 6, 2008.

7. On September 12, 2008, Lynn Szydel was granted a Wisconsin license as a Barbering and Cosmetology Manager. At all times relevant to this matter Ms. Szydel has acted as a Barbering and Cosmetology Manager at Smartstyle, although Smartstyle failed to update Department records to reflect this fact until on or about December 17, 2008.

8. John Alt, a Smartstyle # 4873 representative, has requested that the entire forfeiture and full costs in this matter be assessed to Smartstyle # 4873 and not to Lynn Szydel.

CONCLUSIONS OF LAW

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

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

3. Respondents Smartstyle # 4873 and Lynn L. Szydel have violated:

- a. Wis. Admin. Code §§ BC 2.07(2) and BC 3.01(13) by failing to conspicuously post licenses;
- b. Wis. Stat. § 454.08(6) and Wis. Admin. Code §§ BC 2.06(5) and BC 3.02(1) by providing barbering and cosmetology services without obtaining a full-time manager to oversee the daily operations of the establishment; and
- c. Wis. Admin. Code §§ BC 4.01(1) and BC 4.02(3) by failing to maintain the required level of sanitation.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Smartstyle # 4873 and Lynn L. Szydel shall be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Smartstyle # 4873 shall pay to the Wisconsin Department of Regulation and Licensing a forfeiture of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) and costs of SIX HUNDRED SEVENTY DOLLARS (\$670.00) within ninety (90) days from the date of this Order.

3. 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
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. 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 Respondent Smartstyle # 4873 fails to timely submit payment of the costs and payment of the forfeiture as ordered and as set forth above, then **both Respondents' licenses** (# 80-35416 and # 81-32469) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent Smartstyle #4873 has complied with payment of the costs and forfeiture.

5. Case 08 BAC 121 be, and hereby is, closed as to all respondents.
6. This Order is effective on the date of its signing.

WISCONSIN BARBERING AND COSTMETOLOGY EXAMINING BOARD

By: 
A Member of the Board

9-13-10
Date