

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
A TOUCH ABOVE, PAMELA A. SINGER, : (AS TO JOETTE K. JOHNSTON)  
AND JOETTE K. JOHNSTON, :  
: ORDER 0000409  
RESPONDENTS. :

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Division of Enforcement Case File Number 07 BAC 147

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

Joette K. Johnston  
138 West Louisa Street  
Darlington, WI 53530

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 Joette K. Johnston is licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, license number 82-86683. This license was first granted to Ms. Johnston on December 20, 2006 and is current through March 31, 2011.

2. The most recent address on file with the Department for Ms. Johnston is 138 West Louisa Street, Darlington, WI 53530.

3. On or about July 24, 2007, the Department received a complaint alleging that Joette K. Johnston (formerly Joette K. Busser) was renting a chair at A Touch Above without the required separate barbering and cosmetology manager's and establishment licenses. A case was subsequently opened for investigation.

4. On December 17, 2009, during the course of the Department's investigation, a Department investigator performed an unannounced inspection at A Touch Above. The inspection and investigation revealed the following:

- a. Joette K. Johnston was renting a chair at A Touch Above without having the required separate barbering and cosmetology manager's license; and
- b. Joette K. Johnston was renting a chair at A Touch Above without having the required separate barbering and cosmetology establishment license.

5. On December 17, 2009, the Department Investigator obtained a copy of a lease agreement between Pamela A. Singer (owner of A Touch Above) and Joette Johnston that was dated May 2009 and signed by Joette Johnston.

6. On December 17, 2009, the Department Investigator issued a Notice of Compliance to A Touch Above, Pamela A. Singer and Joette K. Johnston for Ms. Johnston's practice without required licenses. On December 18, 2009, the Department received a faxed Notice of Compliance indicating that Ms. Johnston is now an employee of A Touch Above and no longer rents a chair.

7. Pamela A. Singer, through her attorney, requested that the entire forfeiture and full costs in this matter be assessed to her.

8. In resolution of this matter, Respondent Joette K. Johnston consents 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. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Joette K. Johnston has violated Wis. Admin. Code § BC 2.04(1) and Wis. Admin. Code § BC 3.02(2)(b) by failing to have a separate manager's license and establishment license for a chair rental.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Joette K. Johnston is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Joette K. Johnston be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED that file 07 BAC 147 be, and hereby is, closed as to Joette K. Johnston.

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

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M Bush