

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
A TOUCH ABOVE, PAMELA A. SINGER,	:	(AS TO PAMELA A. SINGER
AND JOETTE K. JOHNSTON,	:	AND A TOUCH ABOVE)
RESPONDENTS.	:	ORDER 0000410

Division of Enforcement Case File Number 07 BAC 147

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

A Touch Above
316 West Spring Street
Dodgeville, WI 53533

Pamela A. Singer
316 West Spring Street, No. 70
Dodgeville, WI 53533

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 A Touch Above is licensed in the state of Wisconsin as a Manicuring Establishment, license number 71-470. This license was first granted to A Touch Above on March 17, 1995 and is current through March 31, 2011.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for A Touch Above is 316 West Spring Street, Dodgeville, WI 53533.

3. Respondent Pamela A. Singer is licensed in the state of Wisconsin as a Manicurist, license number 85-1311. This license was first granted to Ms. Singer on March 23, 1993 and is current through March 31, 2011. Ms. Singer is the owner of A Touch Above.

4. The most recent address on file with the Department for Ms. Singer is 316 West Spring Street, No. 70, Dodgeville, WI 53533.

5. 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.

6. 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.

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

8. 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.

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

10. In resolution of this matter, Respondents A Touch Above and Pamela A. Singer 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. § 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, A Touch Above and Pamela A. Singer have violated Wis. Admin. Code § BC 2.04(1) and Wis. Admin. Code § BC 3.02(2)(b) by failing to require 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, A Touch Above and Pamela A. Singer are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent A Touch Above and Pamela A. Singer be, and hereby are, REPRIMANDED.
2. Respondent Pamela A. Singer shall pay COSTS in the amount of FOUR HUNDRED EIGHTY-EIGHT DOLLARS (\$488.00) and a FORFEITURE in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within ninety (90) days of the date of this Order.
3. Payment of the costs and forfeiture 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
Department of Regulation and Licensing
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 Respondent's license. 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 Singer fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, Respondent Pamela Singer's license (number 85-1311) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

IT IS FURTHER ORDERED that file 07 BAC 147 be, and hereby is, closed as to Pamela A. Singer and A Touch Above.

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

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jessie M Buck