

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
SERENITY NOW DAY SPA, LLC,	:	
RESPONDENT.	:	ORDER 0000 412

Division of Enforcement Case File Number 08 BAC 242.

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

Serenity Now Day Spa, LLC
1183 East Commerce Blvd.
Slinger, WI 53086

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 Serenity Now Day Spa, LLC is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license number 80-36856. This license was first granted to it on 05/21/2009 and is current through 03/31/2011.
2. The most recent physical address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Serenity Now Day Spa, LLC is 1183 East Commerce Blvd., Slinger, WI 53086. The most recent mailing address on file with the Department for Serenity Now Day Spa, LLC is P.O. Box 621, Slinger, WI 53086.

3. On or about August 19, 2008, the Department received an anonymous complaint alleging multiple violations at Serenity Now, 201 Kettle Moraine Drive North, Slinger, Wisconsin (license numbers 69-527 and 71-2951). A case was subsequently opened for investigation.

4. On March 12, 2009, a Department Investigator made an unannounced visit to Serenity Now Therapeutic Massage (Serenity Now) at 201 Kettle Moraine Drive North, Slinger, Wisconsin. The inspection revealed the following:

- a. Licenses were not posted in a conspicuous place;
- b. Poisonous substances (Clorox disinfecting wipes) were stored in an unlocked public area; and
- c. Disposable contact equipment (nail files) was being cleaned, disinfected, and reused.

5. On April 9, 2009, a Department Investigator made a second unannounced visit to Serenity Now. The inspection revealed the following:

- a. Licenses were not posted in a conspicuous place.

6. When the department investigator attempted to look at the appointment book during the April 9, 2009 inspection, co-owner of Serenity Now, Micah Boesch, refused to let him complete the inspection.

7. On April 30, 2009, a Department Investigator made another unannounced visit to Serenity Now with a subpoena to take possession of all appointment books. The investigator was informed that no appointment books remained at the salon and that all records had been transferred to the computer.

8. As of May 21, 2009, Serenity Now has moved to a new location and is now called Serenity Now Day Spa, LLC, with barbering and cosmetology establishment license number 80-36856.

9. In resolution of this matter, Respondent Serenity Now Day Spa, LLC 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 above Findings of Fact, Serenity Now Day Spa, LLC has violated:

- a. Wis. Stat. § 454.06(7) by failing to post licenses in a conspicuous place;

- b. Wis. Stat. § 454.14(2) and Wis. Admin. Code § BC 3.05(1) by refusing an inspection;
- c. Wis. Admin. Code § BC 3.01(6) by storing a poisonous substance in an unlocked public area; and
- d. Wis. Admin. Code § BC 4.10(4) by cleaning, disinfecting, and reusing disposable manicuring instruments.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Serenity Now Day Spa, LLC is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Serenity Now Day Spa, LLC is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Serenity Now Day Spa, LLC shall pay a FORFEITURE in the amount of FOUR HUNDRED FIFTY DOLLARS (\$450.00) within 30 days of the date of this Order and shall pay COSTS in the amount of FIVE HUNDRED SEVENTY DOLLARS (\$570.00) within 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 fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, the Respondent's license (number 80-36856) 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, 08 BAC 242 be, and hereby is, closed as to Respondent Serenity Now Day Spa, LLC.

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: Lennie M. Bush