

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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1STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CHRISTI J. NEWELL AND SPA AT	:	
RIVERFRONT, LTD.,	:	ORDER 0000414
RESPONDENTS	:	

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Division of Enforcement Case File Number 08 BAC 249

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

Christi J. Newell  
15 West Milwaukee Street, Suite 200  
Janesville, WI 53545

Spa at Riverfront, Ltd.  
15 West Milwaukee Street, Suite 200  
Janesville, WI 53548

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 Christi J. Newell is licensed in the state of Wisconsin as a Barbering and Cosmetology Apprentice, license number 600-80399. This license was first granted to her on 08/18/2008 and is current through 08/18/2011. Respondent Newell is also licensed in the state of

Wisconsin, as an Electrologist, license number 84-756. This license was first granted to her on 06/04/1997 and is current through 03/31/2011. Respondent Newell is listed as owner of Spa at Riverfront, Ltd.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Newell is 15 West Milwaukee Street, Suite 200, Janesville, WI 53545.

3. Respondent Spa at Riverfront, Ltd. is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license number 80-30256. This license was first granted on 02/13/2002 and is current through 03/31/2011.

4. The most recent address on file with the Department for Respondent Spa at Riverfront, Ltd. is 15 West Milwaukee Street, Suite 200, Janesville, WI 53548.

5. On or about September 15, 2008, the Department received a complaint that an unlicensed person working at Spa at Riverfront had performed a laser treatment on the legs of a client (M.P.) for the purpose of hair removal in 2005. The complaint alleged that the procedure left many severely discolored areas on the client's legs. A case was subsequently opened for investigation.

6. On December 2, 2008, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Spa at Riverfront, Ltd. in Janesville, Wisconsin. The inspection revealed that the laser treatment facility was no longer part of Spa at Riverfront, Ltd. The investigator found the laser facility, now known as True Laser, Ltd. had moved down the hallway to the next business suite, and had been licensed as an aesthetics establishment on 11/27/2006 (license # 69-569, current through 03/31/2011). Respondent Christ J. Newell, the owner of Respondent Spa at Riverfront, Ltd., is also the owner of True Laser, Ltd.

7. Respondent Newell admitted that the technician, Marnie Harris, who performed the treatment on M.P. in 2005, was not licensed in Wisconsin as an aesthetician at the time.

8. On February 20, 2009, at the request of the Department investigator, Respondent Newell provided a copy of the Medical Director Protocol document, developed for Spa at Riverfront, LLC. The document named Cynthia Bender, M.D. as the medical director for laser hair removal services at Spa at Riverfront as of 07/19/1999.

9. On March 5, 2009, the Department received a written response from Dr. Cynthia Bender. Dr. Bender stated she did not remember having ever executed paperwork or a contract that references the title of Medical Director.

10. On March 11, 2009, the Department investigator contacted Dr. Bender by telephone. Dr. Bender informed the investigator that she was not aware of any written protocol. Dr. Bender said her relationship with Respondent Newell and Spa at Riverfront was very informal and she was never called for any type of problem at the spa. Dr. Bender stated she never did any training of any staff at the spa and her association with the spa ended in 2002.

11. On March 18, 2009, Dr. Bender called the Department investigator and said she and Respondent Newell had actually continued their professional relationship with occasional phone calls and it wasn't until sometime in 2007, when Respondent Newell informed her that she (Newell) was going to work with another physician that the professional relationship between Dr. Bender and Respondent Newell ended. This telephone call came several days after the March 11, 2009 telephone discussion the Department Investigator had with Respondent Newell. In the March 18, 2009 discussion, the Department investigator informed Respondent Newell that the Department was unable to find that Spa at Riverfront, Ltd. had a medical director from 2002 until 2007 when Dr. Lydia Slavic became medical director.

12. In resolution of this matter, Respondents Christi J. Newell and Spa at Riverfront, Ltd. 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 paragraphs 6-11 of the Findings of Fact, Respondents Christi J. Newell and Spa at Riverfront, Ltd. have violated:

- a. Wis. Stats. § 454.04(1)(b) by having an unlicensed person performing aesthetics;
- b. Wis. Admin. Code § BC 2.04(1) by assisting in unlicensed practice by having an unlicensed person performing aesthetics;
- c. Wis. Stats. § 454.15(2)(c) by engaging in conduct in the practice of aesthetics which evidences a lack of knowledge or ability to apply professional principles or skills; and
- d. Wis. Admin. Code §§ BC 2.025(1)(2)(a) and BC 2.025(3) by providing client services constituting medical procedures (laser hair removal services) without a physician directing, supervising and inspecting the client services provided and without formal written protocols setting forth the nature and scope of the procedures delegated, describing the supervisory plan, and indicating any contraindications to undertaking the procedure.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Respondents Christi J. Newell and Spa at Riverfront, Ltd. are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Christi J. Newell (license # 84-756 and # 600-80399) is hereby **SUSPENDED** for a period of one (1) year, effective fifteen (15) days from the date of this Order.

2. Following the suspension, the license of Christi J. Newell (# 84-756 and # 600-80399) is **LIMITED** for a period of five (5) years) as follows:

- a. Respondent Newell shall provide quarterly reports to the Department, as directed by the Department Monitor. The reports shall describe the delegated medical procedures for ANY and ALL licensed establishments owned by Respondent Newell. The formal written protocol for the delegated medical procedures shall be submitted with the first quarterly report and shall also be submitted if and when any changes are made.

3. The license of Respondent Spa at Riverfront, Ltd. (# 80-30256) is LIMITED for a period of five (5 years) as follows:

- a. Respondent Newell shall provide quarterly reports to the Department, as directed by the Department Monitor. The reports shall describe the delegated medical procedures for ANY and ALL licensed establishments owned by Respondent Newell. The formal written protocol for the delegated medical procedures shall be submitted with the first quarterly report and shall also be submitted if and when any changes are made.

IT IS FURTHER ORDERED that:

4. Respondents Christi J. Newell and Spa at Riverfront, Ltd. shall pay COSTS in the amount of ONE THOUSAND THREE HUNDRED FORTY FIVE DOLLARS (\$1,345.00) and a FORFIETURE in the amount of THREE THOUSAND DOLLARS (\$3,000.00) within one (1) year of the date of this Order.

5. Respondent Christi J. Newell shall pay a FORFIETURE in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within one (1) year of the date of this Order.

6. 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

7. 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 Respondents fail to timely submit payment of the costs and payment of the forfeiture as ordered and as set forth above, the Respondents' licenses (# 84-756, # 600-80399 and # 80-30256) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs and forfeiture.

IT IS FURTHER ORDERED, that file, 08 BAC 249 be, and hereby is, closed.

8. 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