

# 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 THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
SUPERCUTS 9065, SUPERCUTS 9457,	:	
SUPERCUTS 9456, AND SUPERCUTS 9416,	:	ORDER 0000415
RESPONDENTS.	:	
	:	

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Division of Enforcement Case File # 07 BAC 252

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

Supercuts 9065  
2974 S. Chase Ave.  
Milwaukee, WI 53207

Supercuts 9457  
2707 S. 108<sup>th</sup> St.  
West Allis, WI 53227

Supercuts 9456  
3877 S. 27<sup>th</sup> St.  
Milwaukee, WI 53221

Supercuts 9416  
2265 S. 108<sup>th</sup> St.  
West Allis, WI 53227

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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 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 Supercuts 9065 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license # 80-23543. This license was first granted on 06/20/1994 and is current through 03/31/2011. The most recent address on file with the Department of Regulation and Licensing for Supercuts 9065 is 2974 S. Chase Ave., Milwaukee, WI 53207.

2. Respondent Supercuts 9457 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license # 80-23442. This license was first granted on 05/05/1994 and has been in inactive status since 02/29/2009. The most recent address on file with the Department of Regulation and Licensing for Supercuts 9457 is 2707 S. 108<sup>th</sup> St., West Allis, WI 53227.

3. Respondent Supercuts 9456 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license # 80-15913. This license was first granted on 08/21/1985 and is current through 03/31/2011. The most recent address on file with the Department of Regulation and Licensing for Supercuts 9456 is 3877 S. 27<sup>th</sup> St., Milwaukee, WI 53221.

4. Respondent Supercuts 9416 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license # 80-20796. This license was first granted on 03/27/1990 and is current through 03/31/2011. The most recent address on file with the Department of Regulation and Licensing for Supercuts 9416 is 2265 S. 108<sup>th</sup> St., West Allis, WI 53227.

5. Regis Corporation is the owner of all of the Respondent Supercuts. Pursuant to Wis. Admin. Code § BC 2.06, as owner, Regis Corporation was at all times relevant to this action responsible for compliance with Wis. Stats. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

6. The Department of Regulation and Licensing received a complaint against the Respondents on December 7, 2007 alleging failure to employ licensed managers.

7. On February 14 and 15, 2008, a Division of Enforcement investigator inspected the locations of all of the named Respondents.

8. With regard to Supercuts 9065, the investigator observed the following violations: 1) there was no full time licensed manager having authority over the operations of the establishment, 2) air freshener was located in a public area, not locked in a cabinet or closet, 3) loose, clipped hair was found in most "clean" work station drawers and where clippers and trimmers were stored, 4) stored trimmer and clipper blades were covered with loose, clipped hair, not sanitized or disinfected and 5) not all licenses were posted.

9. With regard to Supercuts 9457, the investigator observed the following violations: 1) there was no full time licensed manager having authority over the operations of the establishment, 2) air freshener and porcelain cleaner were located in a public area, not locked in a cabinet or closet, 3) loose, clipped hair was found in one "clean" work station drawer, and 4) one practitioner did not wash her hands between customers.

10. With regard to Supercuts 9456, the investigator observed the following violations: 1) there was no full time licensed manager having authority over the operations of the establishment, 2) air freshener was located in a public area, not locked in a cabinet or closet, 3) loose, clipped hair was found in most "clean" work station drawers and where clippers and trimmers were stored, 4) stored clippers and scissors were covered with loose, clipped hair in most work stations, not sanitized or disinfected, 5) "clean" brushes had hair left in the bristles rather than being cleaned of all organic matter before being disinfected, 6) work stations did not contain topical antiseptic, 7) germicidal compound was not added to the laundry during washing, and 8) "clean" clipper heads or scissors were stored on top of several work stations, not covered or in containers.

11. With regard to Supercuts 9416, the investigator observed the following violations: 1) there was no full time licensed manager having authority over the operations of the establishment, 2) air freshener was located in a public area, not locked in a cabinet or closet, 3) "clean" brushes had hair left in the bristles rather than being cleaned of all organic matter before being disinfected, 4) stored scissors were covered with loose, clipped hair in most work stations, not sanitized or disinfected, and 5) loose, clipped hair was found on top of several work stations.

12. In resolution of this matter, Respondents Supercuts 9065, Supercuts 9457, Supercuts 9456, and Supercuts 9416 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. Respondents' owner, Regis Corporation, has violated Wis. Admin. Code §§ BC 2.06(5) and BC 3.02(1) by operating Respondent establishments without full time licensed managers having direct authority over the operations of the establishments, as described in paragraphs 8-11 of the Findings of Fact.

3. Respondents Supercuts 9065, Supercuts 9457, Supercuts 9456 and Supercuts 9416 have violated Wis. Admin. Code § BC 3.01(6) by failing to store poisonous substances in a locked cabinet or closet, as described in paragraphs 8-11 of the Findings of Fact.

4. Respondents Supercuts 9065, Supercuts 9457, Supercuts 9456 and Supercuts 9416 have violated Wis. Admin. Code § BC 4.01(1) by failing to properly maintain their

implements and establishments in a clean, sanitary, and safe condition, as described in paragraphs 8-11 of the Findings of Fact.

5. Respondents Supercuts 9065, Supercuts 9456 and Supercuts 9416 have violated Wis. Admin. Code § BC 4.02(2) by failing to properly disinfect clippers and scissors, as described in paragraphs 10-11 of the Findings of Fact.

6. Respondent Supercuts 9065 has violated Wis. Admin. Code §§ BC 2.07(2) and BC 3.01(13) by failing to post all required licenses, as described in paragraph 8 of the Findings of Fact.

7. Respondent Supercuts 9457 has violated Wis. Admin. Code § BC 4.01(2) by failing to make sure a practitioner washed her hands prior to serving a patron, as described in paragraph 9 of the Findings of Fact.

8. Respondents Supercuts 9456 and Supercuts 9416 have violated Wis. Admin. Code § BC 4.02(3) by failing to properly disinfect brushes, as described in paragraphs 10-11 of the Findings of Fact.

9. Respondent Supercuts 9456 has violated Wis. Admin. Code § BC 4.04(1) by failing to supply all work stations with at least one of the antiseptics listed in § BC 4.05, as described in paragraph 10 of the Findings of Fact.

10. Respondent Supercuts 9456 has violated Wis. Admin. Code § BC 4.02(6) by failing to disinfect laundry with a solution containing a germicidal compound, as described in paragraph 10 of the Findings of Fact.

11. Respondent Supercuts 9456 has violated Wis. Admin. Code § BC 4.02(4) by failing to properly store cleaned implements, as described in paragraph 10 of the Findings of Fact.

12. As a result of these violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and § 454.15(3).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The barbering and cosmetology establishment licenses of **Supercuts 9065** (license # 80-23543), **Supercuts 9457** (license # 80-23442), **Supercuts 9456** (license # 80-15913) and **Supercuts 9416** (license # 80-20796) are hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent **Supercuts 9065** shall pay a **FORFEITURE** in the amount of **TWO THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)** and **COSTS** in the amount of

**FOUR HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$487.50), for a total of TWO THOUSAND SEVEN HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$2,787.50).**

3. Respondent **Supercuts 9457** shall pay a **FORFEITURE** in the amount of **TWO THOUSAND TWO HUNDRED DOLLARS (\$2,200.00)** and **COSTS** in the amount of **FOUR HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$487.50)**, for a total of **TWO THOUSAND SIX HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$2,687.50).**

4. Respondent **Supercuts 9456** shall pay a **FORFEITURE** in the amount of **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)** and **COSTS** in the amount of **FOUR HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$487.50)**, for a total of **THREE THOUSAND EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$3,087.50).**

5. Respondent **Supercuts 9065** shall pay a **FORFEITURE** in the amount of **TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00)** and **COSTS** in the amount of **FOUR HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$487.50)**, for a total of **TWO THOUSAND EIGHT HUNDRED EIGHTY SEVEN DOLLARS AND FIFTY CENTS (\$2,887.50).**

6. Payment of the costs and forfeiture shall be submitted within 180 days from the date of the order. Payment of the costs and forfeiture shall be made 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) 261-7904, 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 forfeitures as set forth above, the Respondents' licenses (Supercuts 9065 - license # 80-23543, Supercuts 9457 - license # 80-23442, Supercuts 9456 - license # 80-15913 and Supercuts 9416 - license # 80-20796) 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.

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

9. Case file # 07 BAC 252 is hereby closed.

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: 