

# 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  
:  
KATARZYNA MATUSZCZAK, : ORDER 0000 416  
RESPONDENT. :  
:

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Division of Enforcement Case File #09 BAC 129

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

Katarzyna Matuszczak  
222 Main Street  
Sayner, WI 54560

Wisconsin 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 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. Katarzyna Matuszczak is licensed in the State of Wisconsin as a Barbering or Cosmetology Practitioner, license # 82-80085. Ms. Matuszczak's license was first issued on May 15, 2001 and is current through March 31, 2011. At all times relevant to this case, Ms. Matuszczak worked at Georges Barbers, a licensed barbering and cosmetology establishment.

2. The most recent address for Ms. Matuszczak on file with the Department of Regulation and Licensing ("Department") is 222 Main Street, Sayner, WI 54560.

3. Ms. Matuszczak had dizzy spells on December 22, 2009, which continued on December 23, 2009.

4. On December 23, 2009, while giving a haircut to a 4-year-old boy at Georges Barbers, Ms. Matuszczak's head bobbed and her eyes closed, she felt dizzy and began to feel faint; when the boy's father asked Ms. Jelich Nevins if Ms. Matuszczak was okay, Ms. Matuszczak jerked and nicked the boy's skin next to his left eye.

5. After this incident, Ms. Matuszczak was helped to a chair and another stylist finished the boy's haircut.

6. In resolution of this matter, Respondent Katarzyna Matuszczak 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 continuing to work and to use scissors even though she felt dizzy, as described in paragraphs 3 and 4 of the Findings of Fact, Respondent Katarzyna Matuszczak violated Wis. Admin. Code § BC 2.03(5), which requires a licensee to take adequate and necessary precautions to protect a patron from health and safety hazards when performing services.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that:

1. The barbering or cosmetology practitioner license of Katarzyna Matuszczak (license # 82-80085) is hereby REPRIMANDED.
2. Katarzyna Matuszczak shall, within one hundred twenty (120) days from the date of this order, pay a forfeiture of \$100 and costs in the amount of \$225 for a total amount of THREE HUNDRED TWENTY-FIVE DOLLARS (\$325.00) in this matter. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

3. 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 Department 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 Katarzyna Matuszczak fails to timely submit payment of the forfeiture and costs as set forth above, Katarzyna Matuszczak's barbering or cosmetology practitioner license (#82-80085) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Katarzyna Matuszczak has complied with payment of the forfeiture and costs.

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

IT IS FURTHER ORDERED that file 09 BAC 129 be closed as to Katarzyna Matuszczak.

Dated this 13 day of Sept, 2010.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: *Jeanie M Bush*  
A Member of the Board