

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
SALON PROFESSIONAL ACADEMY, :
RESPONDENT. :
: ORDER 0000 776
:

Division of Enforcement Case Number 08 RBC 012

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

Salon Professional Academy
3701 80th Street, Suite B
Kenosha, WI 53142

Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 Department of Regulation and Licensing ("Department"). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Salon Professional Academy is licensed in the State of Wisconsin as a School of Barbering and Cosmetology, having license number 87-122, first issued on 08/08/2007 and current through 03/31/2011. Salon Professional Academy's most recent address on file with the Department is 3701 80th Street, Suite B, Kenosha, WI 53142.

2. On or about November 6, 2008, the Department received a complaint against Salon Professional Academy. A case was subsequently opened for investigation.

3. On February 12, 2009, during the course of the Department's investigation, a Department investigator performed an unannounced inspection at Salon Professional Academy. The inspection revealed the following:

- a. Instructor licenses were not posted in a conspicuous place;
- b. One shampoo bowl had a small amount of hair in the strainer;
- c. A small amount of hair was found in "clean" brushes;
- d. Loose hair was found in the bottom of several drawers where clean implements were being stored;
- e. Germicidal agent was not being added to every load of laundry; and
- f. Several used emery boards were found stored with new, clean emery boards.

4. On February 12, 2009, the Department Investigator issued a Notice of Compliance to Salon Professional Academy for the violations noted during the inspection. A representative of Salon Professional Academy signed the Notice of Compliance on February 19, 2009 and returned it to the Department indicating that all of the noted violations had been corrected.

5. In resolution of this matter, Respondent Salon Professional Academy consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.64(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in paragraph 3a of the Findings of Fact, Respondent Salon Professional Academy has violated Wis. Admin. Code § RL 62.11(1)(g) by violating Wis. Stat. § 454.06(7) by failing to post instructor licenses in a conspicuous place.

3. By the conduct described in paragraph 3b-d of the Findings of Fact, Respondent Salon Professional Academy has violated Wis. Admin. Code § BC 4.01(1), (5) and (7) by failing to maintain equipment in a clean, safe and sanitary manner.

4. By the conduct described in paragraph 3e of the Findings of Fact, Respondent Salon Professional Academy has violated Wis. Admin. Code § BC 4.02(6) by failing to use a germicidal compound when washing laundry.

5. By the conduct described in paragraph 3f of the Findings of Fact, Respondent Salon Professional Academy has violated Wis. Admin. Code § BC 4.01(3) by failing to dispose of used emery boards.

6. As a result of the violations noted in the Conclusions of Law, Respondent Salon Professional Academy is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b)3.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Salon Professional Academy (license number 87-122) is hereby REPRIMANDED.

2. Within ninety (90) days following the date of this Order, Respondent Salon Professional Academy shall pay a FORFEITURE in the amount of THREE HUNDRED DOLLARS (\$300.00).

3. Within ninety (90) days following the date of this Order, Respondent Salon Professional Academy shall pay COSTS in the amount of ONE THOUSAND ONE HUNDRED EIGHTY-FIVE DOLLARS (\$1,185.00).

4. Payment of the costs and forfeiture shall be made by check 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

5. 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 Respondent Salon Professional Academy fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, Respondent Salon Professional Academy's license (number 87-122) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

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

THE WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: 
Secretary or Designee
Department of Regulation and Licensing

3/30/11
Date