

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
REGENCY BEAUTY INSTITUTE,	:	
RESPONDENT.	:	ORDER 0000795

Division of Enforcement Case Number 09 RBC 003

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

Regency Beauty Institute, Respondent
Attn: Regency Corporation
2358 E. Springs Drive, Suite 300
Madison, WI 53704

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

Division of Enforcement
Wisconsin Department of Regulation and Licensing
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 Regency Beauty Institute is licensed in the State of Wisconsin as a school of barbering or cosmetology, having license number 87-103, first issued on March 17, 2005 and current through March 31, 2011. Respondent's most recent address on file with the Department is 2358 E. Springs Drive, Suite 300, Madison, WI 53704.

2. During 2007 and 2008, Respondent allowed personnel without current barbering or cosmetology instructor licenses to provide practical instruction to students, including the following individuals:

- a. Chad Solamita provided practical instruction on 60 occasions between November 23, 2007 and May 8, 2008. Mr. Solamita was not granted a barbering or cosmetology instructor license until May 12, 2008.
 - b. Prudence Walker provided practical instruction on 55 occasions in 2007. Ms. Walker was not granted a barbering or cosmetology instructor license until January 15, 2008.
 - c. Cheryl Hatfield provided practical instruction on May 8, 2007 and May 9, 2007. Ms. Hatfield has never been granted a barbering or cosmetology instructor license.
3. On June 26, 2009, a Department Investigator made an unannounced visit to Regency Beauty Institute and performed an inspection. The inspection revealed the following:
- a. Only one instructor's license was posted; some instructors' licenses were not posted.
 - b. Air freshener was stored unlocked in a public bathroom.
 - c. Hair was found in clean storage containers.
 - d. Small amounts of hair were found on several clean scissor blades, in several students' work areas.
 - e. Hair was found in the bristles of a clean brush at a student's work area
 - f. A soiled (contaminated) brush was stored in a clean drawer.
 - g. Shampoo bowls were not kept in a sanitary condition.
4. In resolution of this matter, Respondent Regency Beauty Institute 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, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Respondent Regency Beauty Institute violated:
 - a. Wis. Stat. § 440.63(1)(a) and Wis. Admin. Code §§ RL 62.11(1)(e) by allowing unlicensed individuals to provide practical instruction.
 - b. Wis. Admin. Code § BC 2.07(2) by failing to post instructors' licenses.

- c. Wis. Admin. Code § BC 3.01(6) by storing a poisonous substance unlocked in a public area.
- d. Wis. Admin. Code §§ BC 4.01(1), 4.02(2), 4.02(3), 4.02(4) and 4.01(5) by failing to maintain all areas of the establishment and implements in a clean and sanitary condition.
- e. Wis. Admin. Code § RL 62.11(1)(g) by the violations described in paragraphs 2.a-d. of the Conclusions of Law.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Respondent Regency Beauty Institute is subject to discipline pursuant to Wis. Stat. § 440.64(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Regency Beauty Institute (license number 87-103) is hereby REPRIMANDED.

2. Within 120 days following the date of this Order, Respondent Regency Beauty Institute shall pay a FORFEITURE in the amount of ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$11,500.00) and COSTS of this matter in the amount of SEVEN HUNDRED TWENTY DOLLARS (\$720.00), for a total payment of TWELVE THOUSAND TWO HUNDRED TWENTY DOLLARS (\$12,220.00).

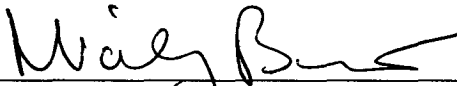
3. Payment of the costs and forfeiture shall be made by check payable to the Wisconsin Department of Regulation and Licensing and sent to:

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

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 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 fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, Respondent's license (number 87-103) 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.

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: 
Michael J. Bernhardt, General Counsel
On Behalf of the Department

4/8/11
Date