

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
SARA J. BUKACHEK, : FINAL DECISION AND ORDER
RESPONDENT. :
ORDER 0000914

Division of Enforcement Case File Number 07 BAC 141

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

Sara J. Bukachek
259 Cedar Street
Park Falls, WI 54552

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

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 Sara J. Bukachek, date of birth: 04/12/75, is duly licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, having license number 81-31758. This license was first granted to her on 07/24/2007 and is current through 03/31/2011. This license was expired between 4/1/2009 and 10/9/2009. Ms. Bukachek was also duly licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, having license number 82-84218. This license was first granted to her on 02/10/2005 and it expired on 03/31/2009.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Bukachek is: 259 Cedar Street, Park Falls, WI 54552.

3. As a licensed barbering and cosmetology practitioner and manager, Respondent Bukachek was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology, Chapters 2 and 3.

4. From July 2007 through September 2007, the Department received three complaints alleging that Sara J. Bukachek (formerly known as Sara J. Kielpikowski and Sara J. Houston) fraudulently obtained her manager's license and was performing barbering and cosmetology services at her home without having the required separate establishment license. The complaint was subsequently opened for investigation.

5. At the time of this complaint, Mane Attractions was a duly licensed barbering and cosmetology establishment, having license number: 80-26230. The license was granted on 02/14/97 and expired on 07/10/07. Mane Attractions was located at 7708 W. Main Street, Siren, Wisconsin 54872. Mane Attractions is currently located on 23950 1st Avenue, Siren, Wisconsin and has license #80-37370. This license was first granted on 02/08/10 and is current through 03/31/11.

6. Respondent Bukachek obtained her practitioner license on February 10, 2005. The Employment Verification in support of Respondent Bukachek's application for a Bukachek's manager license is signed May 15, 2007, by Julie A. Hall, certifying Respondent Bukachek's employment at Mane Attractions in Siren, Wisconsin, under Hall's supervision from March 1, 2005, through May 5, 2007, for a total of 4,060 hours. The Department's investigation revealed that Respondent Bukachek did not obtain 4,060 employment hours at Mane Attractions in order to obtain her manager's license but instead only obtained 3,500 hours. The results of the investigation conclude that Respondent Bukachek did not meet the minimum requirements for a manager license under Wis. Stat. § 454.06(3)(b).

7. The Department's investigation revealed that Respondent Bukachek had provided barbering and cosmetology services out of her home on multiple occasions without the required separate establishment license.

8. The Department's investigation revealed that Respondent Bukachek began a salon operation at 500 Court Street, Park Falls, Wisconsin on July 1, 2009 and operated there until December 11, 2009 without the required separate establishment license.

9. The Department's investigation also revealed that Respondent Bukachek worked with an expired manager's license from April 1, 2009 until October 9, 2009.

10. In resolution of this matter, Respondent Sara J. Bukachek 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 the conduct described in paragraph six (6) of the Findings of Fact, Respondent Sara J. Bukachek is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(a)(c)(i) by fraudulently reporting the number of experience hours obtained when applying for her manager's license.

3. By the conduct described in paragraphs seven and eight (7 and 8) of the Findings of Fact, Respondent Sara J. Bukachek has violated Wis. Stat. § 454.08(1)(b), Wis. Admin. Code § BC 2.045(1) and Wis. Admin. Code § BC 3.01(1) by providing barbering and cosmetology services out of her home and by operating a salon without the required separate establishment licenses.

4. By the conduct described in paragraph nine (9) of the Findings of Fact, Respondent Sara J. Bukachek has violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by practicing without a current license.

5. As a result of the violations noted in the Conclusions of Law, Sara J. Bukachek is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Sara J. Bukachek's license to practice as a barbering and cosmetology manager in Wisconsin (number 81-31758) is **REVOKED**.

2. Respondent Sara J. Bukachek shall not be granted a barbering and cosmetology manager credential under chapter 454 of the Wisconsin Statutes until she completes the remaining five hundred hours needed to reinstate her barbering and cosmetology manager's license. During the revocation period subsequent to the date of this Order, the denial, in whole or in part, of any application or petition by Respondent Sara J. Bukachek for a barbering and cosmetology manager credential authorized under chapter 454 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01 (3) and 227.42 of the Wisconsin Statutes.

3. At any time after obtaining the five hundred hours needed for reinstatement of her barbering and cosmetology manager's license, Respondent Sara J. Bukachek may petition the

Barbering and Cosmetology Examining Board for reinstatement of the credential. This petition will be granted if it affirmatively and unequivocally states in writing, signed under oath, the following:

- a. That Respondent Sara J. Bukachek has renewed her barbering and cosmetology practitioner license within 30 days of the date of this Order.
- b. That Respondent Sara J. Bukachek has complied with all of the statutory and administrative rule requirements necessary to obtain reinstatement of her barbering and cosmetology manager's license.
- c. That Respondent Sara J. Bukachek has not been the subject of further disciplinary action by the State of Wisconsin. "Further disciplinary action" shall be further limited to include only disciplinary actions that substantially relates to the Respondent's competence and integrity to practice barbering and cosmetology;
- d. That Respondent Sara J. Bukachek is not, at the time of the filing of the Petition with the Board, a subject of a pending investigation by the Division of Enforcement of the Department of Regulation and Licensing; and
- e. That Respondent Sara J. Bukachek has not been convicted of any crime that substantially relates to the practice of barbering and cosmetology.

IT IS FURTHER ORDERED that:

4. Respondent Sara J. Bukachek shall pay **COSTS** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within 90 days of the date of this Order.

5. Upon reinstatement of barbering and cosmetology manager's license (#81-31758), Respondent Sara J. Bukachek shall pay a **FORFEITURE** in the amount of **TWO THOUSAND FIVE HUNDRED (\$2,500.00)**. Five payments of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted every 90 days from the date of this order until the full **TWO THOUSAND DOLLARS** is paid in full.

6. Payment of the costs and forfeiture shall be made by 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 Respondent's license. 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 Respondent Bukachek fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, then Sara J Bukachek's license (# 82-84218) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent Bukachek has complied with payment of costs and forfeiture.

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

Dated this 27 day of June, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jarvis M. Bauck