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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
GREAT CLIPS (LICENSE #80-33822), :
GREAT CLIPS (LICENSE #80-35964), : FINAL DECISION AND ORDER
GREAT CLIPS (LICENSE #80-35931), :
GREAT CLIPS (LICENSE #80-33656), :
GREAT CLIPS (LICENSE #80-33823), :
RESPONDENTS. : **ORDER 0000919**

Division of Enforcement Case No. 09 BAC 011

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

Great Clips
Attn: Shorty's, Inc.
1511 Madison Ave.
Fort Atkinson, WI 53538

Great Clips
Attn: Shorty's, Inc.
2140 W. St. Paul Ave.
Waukesha, WI 53188

Great Clips
Attn: Shorty's, Inc.
17395 W. Bluemound Rd.
Brookfield, WI 53045

Great Clips
Attn: Shorty's, Inc.
530 E. Wisconsin Ave.
Oconomowoc, WI 53066

Great Clips
Attn: Shorty's, Inc.
1638 S. Church St.
Watertown, WI 53094

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 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. Shorty's, Inc. is a business that owns respondent establishments Great Clips #80-33822 ("Great Clips-Fort Atkinson"), Great Clips #80-35964 ("Great Clips-Waukesha"), Great Clips #80-35931 ("Great Clips-Brookfield"), Great Clips #80-33656 ("Great Clips-Oconomowoc"), and Great Clips #80-33823 ("Great Clips-Watertown"). Shorty's, Inc., in turn, is owned by Berrin and Jerry Snyder. Shorty, Inc.'s most recent address on file with the Department of Regulation and Licensing ("Department") Division of Enforcement is 924 Old Tower Road, Oconomowoc, WI 53066.
2. As owner of Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, Great Clips-Oconomowoc, and Great Clips-Watertown, Shorty's Inc. is responsible for each establishment's compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.
3. The Department received an anonymous complaint against Shorty's, Inc. on February 2, 2009 alleging failure to employ managers and various sanitation violations at the five Great Clips locations.

Great Clips-Fort Atkinson

4. On May 6, 2009, a Department investigator inspected the Great Clips-Fort Atkinson location. The address for the Great Clips-Fort Atkinson establishment (#80-33822) is 1511 Madison Ave., Fort Atkinson, WI 53538. Its barbering and cosmetology establishment license was first granted on March 3, 2006 and is current through March 31, 2013.
5. During the inspection, the investigator discovered that the manager of record was no longer employed by the establishment and had not been employed for the previous 90 days; a practitioner failed to wash her hands between customers; hair and other debris was visible in the shampoo sinks; hair was mixed in with the clean contact equipment; the clean contact equipment was not stored in a covered container; licensee information on the license was not visible; and "floater" licenses were not posted. The manager of the establishment was not

present at the establishment during the investigation and did not exercise reasonable supervision and control to assure compliance with the Board's rules.

6. The manager of record at the time of inspection, Susan Greene, had left her employment at Great Clips-Fort Atkinson in December 2007. At the time of the inspection, the investigator was informed that Michelle Streng was the manager (#81-31789). As of May 11, 2009, Shorty's Inc. informed the Department that Ms. Streng is the manager of record at Great Clips-Fort Atkinson.

Great Clips-Waukesha

7. On May 6, 2009, a Department investigator inspected the Great Clips-Waukesha location. The address for the Great Clips-Waukesha establishment (#80-35964) is 2140 W. St. Paul Ave., Waukesha, WI 53188. Its barbering and cosmetology establishment license was first granted on May 29, 2008 and is current through March 31, 2013.
8. During the inspection, the investigator discovered that the manager of record was no longer employed by the establishment; that the current manager held only a practitioner's license; a practitioner failed to wash her hands between customers; hair and other debris was visible in the shampoo sinks; hair was mixed in with the clean contact equipment; the clean contact equipment was not stored in a covered container; licensee info on the licenses was not visible; "floater" licenses were not posted; and apprentices were scheduled to work without a supervising manager present. The manager of record for the establishment was not present at the establishment during the investigation and did not exercise reasonable supervision and control to assure compliance with the Board's rules.
9. The manager of record at the time of inspection, Julee Lapp, stated that she had never been employed as a manager at Great Clips-Waukesha. At the time of the inspection, the investigator was informed that Melissa Fisher was the manager. Ms. Fisher held a valid practitioner license at the time, but did not have a manager license. As of August 26, 2009, Shorty's Inc. informed the Department that Rita Shockley is the manager of record at Great Clips-Waukesha.

Great Clips-Brookfield

10. On May 6, 2009, a Department investigator inspected the Great Clips-Brookfield location. The address for the Great Clips-Brookfield establishment (#80-35931) is 17395 W. Bluemound Rd., Brookfield, WI 53045. Its barbering and cosmetology establishment license was first granted on May 21, 2008 and is current through March 31, 2013.
11. During the inspection, the investigator discovered that the manager of record was no longer employed by the establishment; hair was present on the floor; hair and other debris was visible in the shampoo sinks; hair was mixed in with the clean contact equipment; the clean contact equipment was not stored in a covered container; and not all work stations had antiseptic. The manager of the establishment was not present at the establishment during the investigation and did not exercise reasonable supervision and control to assure compliance with the Board's rules.

12. The manager of record at the time of inspection was Christina Sinkley. At the time of the inspection, the investigator was informed that Melissa Fisher was the manager. Ms. Fisher held a valid practitioner license at the time, but did not have a manager license. At the time of inspection, the investigator was informed that Melissa Prodoehl (#81-32764) would be the manager of record at Great Clips-Brookfield; Department records reflect that Ms. Prodoehl's start date as manager was May 11, 2009.

Great Clips-Oconomowoc

13. On May 6, 2009, a Department investigator inspected the Great Clips-Oconomowoc location. The address for the Great Clips-Oconomowoc establishment (#80-33656) is 530 E. Wisconsin Ave., Oconomowoc, WI 53066. Its barbering and cosmetology establishment license was first granted on December 21, 2005 and is current through March 31, 2013.
14. During the inspection, the investigator discovered that the manager of record was no longer employed by the establishment; no gloves were available to employees; practitioners failed to wash hands between customers; hair and other debris was visible in the shampoo sinks; hair was mixed in with the clean contact equipment; the disinfectant used was not tuberculocidal; and an apprentice was working without manager supervision. The manager of the establishment was not present at the establishment during the investigation and did not exercise reasonable supervision and control to assure compliance with the Board's rules.
15. The manager of record at the time of inspection, Nicole Luey, had left her position as manager of Great Clips-Oconomowoc in March 2008. At the time of the inspection, the investigator was informed that Nicole Besser was the manager. Ms. Besser held an expired practitioner license at the time, but did not have a manager license. Department records reflect that Lisa Wildes (#81-32256) started as manager on May 11, 2009.

Great Clips-Watertown

16. On May 6, 2009, a Department investigator inspected the Great Clips-Watertown location. The address for the Great Clips-Watertown establishment (#80-33823) is 1638 S. Church St., Watertown, WI 53094. Its barbering and cosmetology establishment license was first granted on March 3, 2006 and is current through March 31, 2013.
17. During the inspection, the investigator discovered that the manager of record was no longer employed by the establishment; practitioners failed to wash their hands between customers; hair was mixed in with the clean contact equipment; and no blood exposure protocol was posted. The manager of the establishment was not present at the establishment during the investigation and did not exercise reasonable supervision and control to assure compliance with the Board's rules.
18. The manager of record at the time of inspection was Michelle Streng, who was working as manager at the Great Clips-Fort Atkinson establishment. At the time of the inspection, the investigator was informed that Stacey Kassens was the manager. Ms. Kassens held a valid practitioner license at the time, but did not have a manager license. Ms. Streng left her

position as manager of record on March 6, 2009. Department records show that the establishment remained without a manager until Ms. Streng resumed as manager on November 13, 2009.

19. In resolution of this matter, Owner Shorty's Inc. and Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, Great Clips-Oconomowoc, and Great Clips-Watertown 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, Shorty's Inc., and Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, Great Clips-Oconomowoc, and Great Clips-Watertown have violated Wis. Admin. Code § BC 2.06(5) and BC 3.02(1) by operating without full time licensed managers having direct authority over the operations of the establishments, as described in paragraphs 2-17 of the Findings of Fact.
3. Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, and Great Clips-Oconomowoc have violated Wis. Admin. Code §§ BC 4.01(1) and BC 4.01(5) by failing to keep all areas of an establishment in a clean, sanitary and safe condition, as described in paragraph 4-16 of the Findings of Fact.
4. Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Oconomowoc, and Great Clips-Watertown have violated Wis. Admin. Code § BC 4.01(2) by failing to make sure practitioners washed their hands prior to serving a patron, as described in paragraph 4-9 and 13-17 of the Findings of Fact.
5. Respondent Great Clips-Brookfield 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 10-12 of the Findings of Fact.
6. Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, Great Clips-Oconomowoc, and Great Clips-Watertown have violated Wis. Admin. Code § BC 4.02(4) by failing to properly store cleaned implements, as described in paragraph 4-17 of the Findings of Fact.
7. Respondents Great Clips-Fort Atkinson and Great Clips-Waukesha have violated Wis. Admin. Code §§ BC 2.07(2) and BC 3.01(13) by failing to post all required licenses, as described in paragraph 4-9 of the Findings of Fact.
8. Respondent Great Clips-Oconomowoc has violated Wis. Admin. Code §§ BC 2.07(1) and 4.04(2) by failing to supply disposable gloves, as described in paragraph 13-14 of the Findings of Fact.

9. Respondent Great Clips-Oconomowoc has violated Wis. Admin. Code § BC 4.02(3) by failing to properly disinfect contact equipment with a tuberculocidal disinfectant, as described in paragraph 13-14 of the Findings of Fact.
10. Respondent Great Clips-Oconomowoc has violated Wis. Admin. Code § BC 2.06(3) by failing to ensure supervision and training of an apprentice, as described in paragraph 13-14 of the Findings of Fact.
11. Respondent Great Clips-Watertown has violated Wis. Admin. Code § BC 4.05(2) by failing to post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids, as described in paragraph 16-17 of the Findings of Fact.
12. As a result of these violations, Respondents Great Clips-Fort Atkinson, Great Clips-Waukesha, Great Clips-Brookfield, Great Clips-Oconomowoc, and Great Clips-Watertown 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 Great Clips-Fort Atkinson (#80-33822), Great Clips-Waukesha (#80-35964), Great Clips-Brookfield (#80-35931), Great Clips-Oconomowoc (#80-33656), and Great Clips-Watertown (#80-33823) are hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent Great Clips-Fort Atkinson shall pay a **FORFEITURE** in the amount of **\$1400.00** and **COSTS** in the amount of **\$396.00**, for a total of **\$1,796.00**. A down payment of \$449.00 shall be submitted within 90 days of the date of this order and three more payments of \$449.00 will be due every 90 days from the date of the previous payment due date until the full \$1,796.00 is paid in full.
3. Respondent Great Clips-Waukesha shall pay a **FORFEITURE** in the amount of **\$1400.00** and **COSTS** in the amount of **\$396.00**, for a total of **\$1,796.00**. A down payment of \$449.00 shall be submitted within 90 days of the date of this order and three more payments of \$449.00 will be due every 90 days from the date of the previous payment due date until the full \$1,796.00 is paid in full.
4. Respondent Great Clips-Brookfield shall pay a **FORFEITURE** in the amount of **\$900.00** and **COSTS** in the amount of **\$396.00**, for a total of **\$1,296.00**. A down payment of \$324.00 shall be submitted within 90 days of the date of this order and three more payments of \$324.00 will be due every 90 days from the date of the previous payment due date until the full \$1,296.00 is paid in full.

5. Respondent Great Clips-Oconomowoc shall pay a **FORFEITURE** in the amount of **\$1700.00** and **COSTS** in the amount of **\$396.00**, for a total of **\$2,096.00**. A down payment of \$524.00 shall be submitted within 90 days of the date of this order and three more payments of \$524.00 will be due every 90 days from the date of the previous payment due date until the full \$2,096.00 is paid in full.
6. Respondent Great Clips-Watertown shall pay a **FORFEITURE** in the amount of **\$700.00** and **COSTS** in the amount of **\$396.00**, for a total of **\$1,096.00**. A down payment of \$274.00 shall be submitted within 90 days of the date of this order and three more payments of \$274.00 will be due every 90 days from the date of the previous payment due date until the full \$1,096.00 is paid in full.
7. 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

8. 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 forfeiture as set forth above, the Respondents' licenses (Great Clips-Fort Atkinson (#80-33822), Great Clips-Waukesha (#80-35964), Great Clips-Brookfield (#80-35931), Great Clips-Oconomowoc (#80-33656), and Great Clips-Watertown (#80-33823)) 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.
9. This Order is effective on the date of its signing.

Dated this 27 day of June, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Janice M. Boeck