

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
FANTASTIC SAMs, :
RESPONDENT. : ORDER 0001084

Division of Enforcement Case Number 10 BAC 033

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

Fantastic Sams
Tomkat Enterprises, LLC
2619 Eastern Avenue
Plymouth, WI 53073

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Department of Safety and Professional Services
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 Fantastic Sams is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-33715, first issued on 01/23/2006 and current through 03/31/2013. Fantastic Sams' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Attn: Tomkat Enterprises, LLC, 2619 Eastern Avenue, Plymouth, WI 53073.

2. On or about May 3, 2010, the Department received a complaint alleging that Respondent Fantastic Sams was operating without a licensed manager. A case was subsequently opened for investigation.

3. On September 3, 2010, a Department Investigator made an unannounced visit to Respondent Fantastic Sams and performed an inspection. The inspection and follow-up investigation revealed the following:

- a. Respondent Fantastic Sams was in operation without a licensed manager from May 2008 through October 17, 2008 and also from June 1, 2009 through October 13, 2009; and
- b. Respondent Fantastic Sams failed to notify the board following the managers' last days of employment.

4. The September 3, 2010 inspection also revealed loose hair clippings in workstation drawers and on scissor blades and clippers found in workstation drawers where "clean" implements were stored. Fantastic Sams was issued a \$100.00 citation for being in violation of Wis. Admin. Code § BC 4.01(1). Fantastic Sams paid the citation on or about September 28, 2010.

5. A Notice of Compliance was issued during the September 3, 2010 inspection. The Notice of Compliance was returned to the Department on or about September 27, 2010.

6. In resolution of this matter, Respondent Fantastic Sams 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 3 of the Findings of Fact, Respondent Fantastic Sams has violated:

- a. Wis. Admin. Code §§ BC 2.06(5) and 3.02(1) by operating without a licensed manager; and
- b. Wis. Admin. Code § BC 2.06(5) by failing to notify the Board within 10 days following the manager's last day of employment.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Respondent Fantastic Sams is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Fantastic Sams (license number 80-33715) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Fantastic Sams shall, within 90 days of the date of this Order, pay a FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00) and COSTS in the amount of FOUR HUNDRED TWENTY DOLLARS (\$420.00) for a total of NINE HUNDRED TWENTY DOLLARS (\$920.00).

3. Payment of the costs and forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
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 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 fails to timely submit payment of the costs and forfeiture as ordered and as set forth above, Respondent's license (number 80-33715) may, in the discretion of the board 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.

Dated this 12 day of Sept., 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Janece M. Boeck