

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
KRISTIN JO JOHNSTON AND :
KRISTIN'S CUTTING EDGE LLC, :
RESPONDENTS. :

ORDER 0001089

Division of Enforcement Case File Number 10 BAC 133

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

Kristin Jo Johnston
112 Hwy Cty N
Edgerton, WI 53534

Kristin's Cutting Edge, LLC
112 Hwy Cty N
Edgerton, WI 53534

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 Kristin Jo Johnston, date of birth: 08/05/72, is duly licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 81-29714. This license was first granted to her on 01/23/04 and expired on April 1, 2009. The license was renewed on January 10, 2011 and is current through 03/31/2013.

2. The most recent business address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Johnston is 112 Hwy Cty N, Edgerton, WI 53534.

3. Respondent Kristin's Cutting Edge, LLC is licensed duly licensed in the state of Wisconsin as a barbering and cosmetology establishment, license number 80-36231. This license was first granted to Respondent Kristin's Cutting Edge, LLC on 09/18/08 and is current through 03/31/2013.

4. The most recent business address on file with the Department for Respondent Kristin's Cutting Edge, LLC is 112 Hwy Cty N, Edgerton, WI 53534 .

5. Respondent Johnston is the responsible licensee for Respondent Kristin's Cutting Edge, LLC. As the responsible licensee, at all times relevant to this action, Respondent Johnston was and is responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology, Chapters BC 2 and 3.

6. On December 28, 2010, the Department received a consumer complaint alleging that Respondent Johnston was engaging in the unlicensed practice of barbering and cosmetology at Respondent Kristin's Cutting Edge LLC. A case was subsequently opened for investigation.

7. Between April 1, 2009 and January 10, 2011, Respondent Johnston's license was placed into expired status for failure to renew. During this time, Respondent Johnston practiced barbering and cosmetology at Respondent's Kristin's Cutting Edge, LLC without a current credential.

8. In resolution of this matter, Respondents Kristin Jo Johnston and Kristin's Cutting Edge, LLC 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. By the conduct described in paragraph seven (7) of the Findings of Fact, Respondent Kristin Jo Johnston has violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by practicing with an expired license between April 1, 2009 and January 10, 2011.

3. By the conduct described in paragraph seven (7) of the Findings of Fact, Respondent Kristin's Cutting Edge, LLC has violated Wis. Stat. § 454.08(6) and Wis. Admin. Code § BC 3.02(1) by operating without a licensed manager between April 1, 2009 and January 10, 2011.

4. As a result of the violations described in paragraphs two through three (2-3) of the Conclusions of Law, Respondents Kristin Jo Johnston and Kristin's Cutting Edge, LLC are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Kristin Jo Johnston and Kristin's Cutting Edge, LLC be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent Kristin Jo Johnston shall pay **COSTS** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** and a **FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00)** within 90 days of the date of this Order.

3. Respondent Kristin's Cutting Edge, LLC shall pay **COSTS** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** and a **FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00)** within 90 days of the date of this Order.

4. Payment of the costs and forfeiture shall be made 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 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 ordered and as set forth above, then Respondents' licenses (numbers 80-36231 and 81-29714) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondents have complied with payment of costs and forfeiture.

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

Dated this 12 day of Sept, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jessie M. Boice