

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
JOSELYLN J. WINTER AND	:	
JOSIE'S STUDIO ONE SALON,	:	
RESPONDENTS.	:	ORDER 0001256

Division of Enforcement Case File Number 11 BAC 027

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

Joselyn J. Winter
1 S. Pinckney Street, US Bank
Madison, WI 53703

Josie's Studio One Salon
1 S. Pinckney Street, US Bank
Madison, WI 53703

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

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 Jocelyn J. Winter, date of birth: 11/16/64, is duly licensed in the State of Wisconsin as a barbering and cosmetology practitioner, having license number 82-71333. This license was first granted to her on June 3, 1991. The license is current through March 31, 2013.

2. The most recent business address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent Winter is 1 S. Pinckney Street, US Bank, Madison, WI 53703.

3. Respondent Josie's Studio One Salon is duly licensed in the state of Wisconsin as a barbering and cosmetology establishment, license number 80-28318. This license was first granted to Respondent Josie's Studio Salon on June 9, 1999 and is current through March 13, 2013.

4. The most recent business address on file with the Department for Respondent Josie's Studio One Salon is 1 S. Pinckney Street, US Bank, Madison, WI 53703.

5. Respondent Winter is the owner of Respondent Josie's Studio One Salon. At all times relevant to this action, Respondent Winter was and is responsible for compliance with Wisconsin Statutes Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology, Chapter BC 3.

6. On February 24, 2011, the Department received a consumer complaint alleging that unlicensed activity and unprofessional conduct was taking place at Respondent Josie's Studio One Salon. A case was subsequently opened for investigation.

7. The results of the investigation reveal that Respondents Winter and Josie's Studio One Salon permitted licensee Eileen M. Kuehn (#81-12427) to engage in booth renting activity without first obtaining a separate barbering and cosmetology establishment license between January 1, 2011 and August 2, 2011.

8. The results of the investigation further reveal that Respondents Winter and Josie's Studio One Salon permitted licensee Michael A. Rudd (#82-51397) to engage in booth renting activity without first obtaining a separate barbering and cosmetology establishment and manager's licenses between January 1, 2011 and August 2, 2011.

9. As of August 2, 2011, Ms. Kuehn and Mr. Rudd ceased engaging in booth renting activity and began working as employees of Respondent Josie's Studio One. Ms. Kuehn also became the new barbering and cosmetology manager of record.

10. In resolution of this matter, Respondents Jocelyn J. Winter and Josie's Studio One Salon 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 paragraphs seven (7) and eight (8) of the Findings of Fact, Respondents Jocelyn J. Winter and Josie's Studio One Salon have violated Wis. Admin. Code § BC

3.02(2)(b) by leasing booths to licensed individuals who did not hold both a manager's and an establishment license..

3. As a result of the violations described in paragraph two (2) of the Conclusions of Law, Respondents Jocelyn J. Winter and Josie's Studio One Salon are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Jocelyn J. Winter and Josie's Studio One Salon be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent Jocelyn J. Winter shall pay **COSTS** in the amount of **THREE HUNDRED SEVENTY FIVE DOLLARS (\$375.00)** and a **FORFEITURE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** within 90 days of the date of this Order.

3. Respondent Josie's Studio One Salon shall pay **COSTS** in the amount of **THREE HUNDRED SEVENTY FIVE DOLLARS (\$375.00)** and a **FORFEITURE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** within 90 days of the date of this Order.

4. 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

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 80-28318 and 82-71333) 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 5th day of December, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Janice M. Boeck