

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
VICI BEAUTY SCHOOL,	:	
RESPONDENT.	:	ORDER 0001371

Division of Enforcement Case No. 10 RBC 002

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

VICI Beauty School
VC Madison, LLC
353 E. Campus Mall
Madison, WI 53715

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Wisconsin Department of Safety and Professional Services
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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent VICI Beauty School is licensed in the State of Wisconsin as a School of Barbering or Cosmetology, having license number 87-138, first issued on 07/14/2009 and current through 03/31/2013. VICI Beauty School's most recent address on file with the Department is 353 E. Campus Mall, Madison, WI 53715.

2. On July 13, 2010, a Department Investigator made a visit to VICI Beauty School and observed the following violations:

- a. A licensed barbering and cosmetology practitioner, J.S., was providing barbering and cosmetology instruction without the required barbering and cosmetology instructor license; and
 - b. Hair clippings were being placed in uncovered wastebaskets.
3. On May 6, 2011, two Department Investigators visited VICI Beauty School and performed a full inspection. The inspection revealed the following violations:
 - a. Licenses were not posted in a conspicuous place;
 - b. Hair clippings were being placed in uncovered wastebaskets;
 - c. Shampoo bowls had debris in the strainer baskets;
 - d. A wax pot was left uncovered;
 - e. Organic material (loose hair) was found in “clean” brushes; and
 - f. Disinfectant used for brushes and combs did not contain a tuberculocidal.
4. In resolution to this matter, VICI Beauty School consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.64, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Respondent VICI Beauty School violated the following:
 - a. Wis. Admin. Code § RL 62.11(1)(e) by allowing an unlicensed individual to provide practical instruction;
 - b. Wis. Admin. Code § BC 3.01(4) by placing loose hair in uncovered containers;
 - c. Wis. Stat. § 454.06(7) by failing to post licenses in a conspicuous place;
 - d. Wis. Admin. Code § BC 4.01(5) by failing to maintain shampoo bowls in a sanitary and safe condition;
 - e. Wis. Admin. Code § BC 4.01(4) by failing to cover a wax pot; and
 - f. Wis. Admin. Code § BC 4.02(3) by failing to properly clean brushes and combs and by failing to use tuberculocidal disinfectant.

3. As a result of the violations noted in the Conclusions of Law, Respondent VICI Beauty School is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent VICI Beauty School (license number 87-138) is hereby REPRIMANDED.

2. Within 90 days of the date of this Order, VICI Beauty School shall pay a FORFEITURE in the amount of \$2,625.00 and COSTS of this matter in the amount of \$710.00.

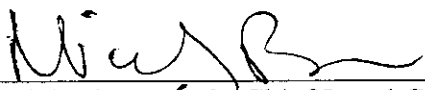
3. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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 Department 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 (no. 87-138) may, in the discretion of the Department, 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.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

2/16/12
Date