

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

WENDY WIEST,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0001458**

Division of Enforcement Case No. 10 BAC 069

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

Wendy Wiest
315 E Richards Rd
Oregon, WI 53575

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

Division of Enforcement
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 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Wendy Wiest (dob 07/12/1958) is licensed in the State of Wisconsin as a barbering and cosmetology practitioner, having license number 38653-82, first issued on 08/29/1977 and current through 03/31/2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 315 E Richards Rd., Oregon, WI 53575.

2. Respondent is a member/owner of 3 Dimensions Salon, LLC (3 Dimensions). The two other member/owners are Kathleen R. Morris and Heidi Schlienger. The three women have equal ownership interests and rights and obligations pursuant to an Operating Agreement

effective April 3, 1995. 3 Dimensions has a valid barbering and cosmetology establishment license for which Kathleen R. Morris is the responsible manager.

3. On March 4, 2011, a department investigator made contact with Respondent at 3 Dimensions following a complaint by the Wisconsin Department of Revenue that Heidi Schlienger was practicing without a valid license pursuant to a tax delinquency with that agency. The tax delinquency hold on Schlienger's license was released on May 19, 2011. However, Schlienger's license had expired March 31, 2011, and was not renewed until November 18, 2011. This was following a visit the day before when the inspector met with Ms. Morris.

4. Respondent verified what Ms. Morris had stated the previous day: that Schlienger worked at 3 Dimensions on Tuesday, Thursday and every other Saturday as well as periodically on other days.

5. The investigator informed Respondent that Schlienger could not practice barbering and cosmetology until her licensure situation was resolved.

6. On September 23, 2011, the investigator again visited 3 Dimensions. Respondent was the only individual working. She informed the investigator that Schlienger was still periodically working at 3 Dimensions and would in fact be working the following day.

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 the Findings of Fact, Respondent violated Wis. Admin. Code § BC 2.04(1) by assisting in the unauthorized or unlicensed practice of barbering and cosmetology.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent Wendy Wiest is hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1000 and COSTS of this matter in the amount of \$338.
4. 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

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 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 forfeiture and costs as ordered, Respondent's license (no. 38653-82) 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 forfeiture and costs.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

4-2-12
Date