

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
VIRGINIA NEALY	:	
AND	:	
CENTER OF ATTRACTION,	:	
RESPONDENTS.	:	ORDER 0001466

Division of Enforcement Case No. 10 BAC 031

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

Virginia Nealy
4343 N 60th St
Milwaukee, WI 53216

Center of Attraction
4343A N 60th St
Milwaukee, WI 53216

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 Virginia Nealy (dob 06/26/1960) is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, having license number 18583-81, first issued on 8/15/1988 and current through 3/31/2013. Ms. Nealy practiced with an expired license from

April 1, 2009 until March 3, 2010, and again from April 1, 2011, to May 25, 2011. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4343 N 60th St, Milwaukee, WI 53216.

2. Respondent Center of Attraction is licensed in the State of Wisconsin as a Barbering or Cosmetology Establishment, having license number 26177-80, first issued on 01/23/1997 and current through 3/31/2013. The establishment license was expired from July 1, 2009, until July 16, 2010, when a Department inspector notified Respondent Nealy that the establishment license was expired. It was expired again from April 1, 2011, until May 25, 2011. Respondent's most recent address on file with the Department is 4343A N 60th St, Milwaukee, WI 53216.

3. On April 8, 2010, Destanee Williams went to Respondent Center of Attraction to have her hair relaxed by Respondent Virginia Nealy. During that appointment, Ms. Nealy directed her daughter, Nigeria Nealy, who does not have a barbering or cosmetology license, to apply petroleum jelly to Miss Williams' scalp.

4. Respondent Nealy discounted Miss Williams' complaints that the relaxer was burning her scalp. Miss Williams received chemical burns on her scalp which required medical treatment as a result of her appointment at Respondent's establishment.

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 Nealy violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.045(1) and BC 3.01(1) by practicing barbering and cosmetology outside the confines of a licensed establishment.

3. By the conduct described in the Findings of Fact, Respondents Nealy and Center of Attraction violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by practicing barbering and cosmetology while she did not have a current license.

4. By the conduct described in the Findings of Fact, Respondent Nealy violated Wis. Admin. Code § BC 2.04(1) by allowing her daughter, Nigeria Nealy, to practice barbering and cosmetology without a license.

5. By the conduct described in the Findings of Fact, Respondent Nealy violated Wis. Admin. Code §§ BC 2.03(1), (3) and (5) by not listening to her client's complaints and causing chemical burns to Ms. Williams' scalp.

6. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(i).

ORDER

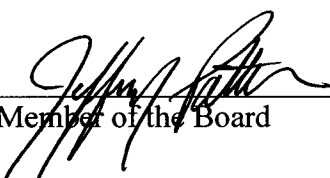
NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents Virginia Nealy and Center of Attraction are hereby REPRIMANDED.
3. Respondent Nealy shall pay a FORFEITURE in the amount of \$1,500 and COSTS of this matter in the amount of \$400. Respondent Center of Attraction shall pay a FORFEITURE in the amount of \$1500 and COSTS of this matter in the amount of \$400. These amounts shall be paid at a rate of \$316.67 per month for twelve months with the first payment being due March 1, 2012, and each subsequent payment being due on the 1st of the month.
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 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 forfeiture and costs as ordered, Respondents' licenses (nos. 18583-81 and 26177-80) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have 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