

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

WILLIAM A. KAMINSKI AND
COST CUTTERS (STOUGHTON),
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0001468

Division of Enforcement Case No. 09 BAC 110

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

William A. Kaminski
1001 Fourier Drive
Madison, WI 53717

Cost Cutters (Stoughton)
1001 Fourier Drive, #200
Madison, WI 53717

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 William A. Kaminski (dob 05/30/1944) is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, having license number 81-22920, first issued on 09/13/1978 and current through 03/31/2013. Mr. Kaminski's most recent address on

file with the Wisconsin Department of Safety and Professional Services (Department) is 1001 Fourier Drive, Madison, WI 53717.

2. Respondent Cost Cutters (Stoughton) is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-37487, first issued on 04/08/2010 and current through 03/31/2013. Cost Cutters (Stoughton)'s most recent mailing address on file with the Department is 1001 Fourier Drive, #200, Madison WI 53717. Cost Cutters (Stoughton)'s establishment is located at 2125 McComb Road, Suite 109, Stoughton, WI 53589.

3. Respondent Kaminski is owner of Respondent Cost Cutters (Stoughton). Pursuant to Wis. Admin. Code § BC 2.06, as owner, Respondent Kaminski was at all times relevant to this matter responsible for compliance with Wis. Stat. ch. 454 and Wis. Admin. Code chs. BC 2, 3 and 4.

4. On or about November 24, 2009, the Department received a complaint alleging various licensing violations at multiple Cost Cutters establishments. Division of Enforcement Case Number 09 BAC 110 was subsequently opened for investigation.

5. The Department's investigation revealed that Respondent Cost Cutters (Stoughton) operated without a barbering and cosmetology establishment license for approximately three years, after it moved from its previous location to its current location on McComb Road.

6. Respondent Cost Cutters (Stoughton) obtained a barbering and cosmetology establishment license (no. 80-37487) for the McComb Road location on April 8, 2010.

7. In resolution of this matter, Respondents William A. Kaminski and Cost Cutters (Stoughton) 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 the Findings of Fact, Respondents William A. Kaminski and Cost Cutters (Stoughton) have violated Wis. Admin. Code § BC 3.01(1) by operating a barbering and cosmetology establishment without the required barbering and cosmetology establishment license.

3. As a result of the above violation, Respondents William A. Kaminski and Cost Cutters (Stoughton) are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents William A. Kaminski and Cost Cutters (Stoughton) are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent William A. Kaminski shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$765.00.
4. Within 90 days of the date of this Order, Respondent Cost Cutters (Stoughton) shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$765.00.
5. Payment of forfeitures 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

6. 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 forfeitures and costs as ordered, Respondents' licenses (nos. 81-22920 and 80-37487) 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 forfeitures and costs.
7. This Order is effective on the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

Date

4-2-12