

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUPERCUTS #9517, SUPERCUTS #9410, and
SUPERCUTS #9415
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0002029

Division of Enforcement Case Nos. 12 BAC 011, 12 BAC 012, 12 BAC 013

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

Supercuts #9517
5764 S. 108th St.
Hales Corners, WI 53130

Supercuts #9410
17145 W. Bluemound Rd. Ste. L
Brookfield, WI 53005

Supercuts #9415
7417 W. Layton Ave.
Greenfield, WI 53220

Wisconsin 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 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 Supercuts #9517 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 31363-80, first issued on 08/08/2003 and current through 03/31/2013. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Supercuts #9517 is 5764 S. 108th St., Hales Corners, WI 53130.

2. Respondent Supercuts #9410 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 20793-80, first issued on 03/27/1990 and current through 03/31/2013. The most recent address on file with the Department for Supercuts #9410 is 17145 W. Bluemound Rd. Ste. L, Brookfield, WI 53005.

3. Respondent Supercuts #9415 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 20795-80, first issued on 03/27/1990 and current through 03/31/2013. The most recent address on file with the Department for Supercuts #9415 is 7417 W. Layton Ave., Greenfield, WI 53220.

4. Supercuts Corporate Shops, Inc. is the owner of all the Respondent Supercuts. Pursuant to Wis. Admin. Code § BC 2.06, as owner, Supercuts Corporate Shops, Inc. was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2 and BC 3.

5. In December 2011, the Department received a complaint alleging that Respondents failed to employ licensed managers. Division of Enforcement case file numbers 12 BAC 011, 12 BAC 012, and 12 BAC 013 were subsequently opened for investigation.

6. With regard to Supercuts #9517, the Department's investigation revealed that the establishment operated without a licensed manager from December 21, 2011 to January 25, 2012. Supercuts #9517 failed to notify the Board that it was without a licensed manager within ten days following the previous manager's last day of employment.

7. With regard to Supercuts #9410, the Department's investigation revealed that the establishment operated without a licensed manager from December 13, 2011 to April 2, 2012. Supercuts #9410 failed to notify the Board that it was without a licensed manager within ten days following the previous manager's last day of employment.

8. With regard to Supercuts #9415, the Department's investigation revealed that the establishment operated without a licensed manager from November 16, 2011 to April 3, 2012. Supercuts #9415 failed to notify the Board that it was without a licensed manager within ten days following the previous manager's last day of employment.

9. In resolution of this matter, Respondents Supercuts 9517, Supercuts 9410, and Supercuts 9415 consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin 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' owner, Supercuts Corporate Shops, Inc., violated Wis. Admin. Code §§ BC 2.06(5) and BC 3.02(1) by operating Respondent establishments without licensed managers having direct authority over the operations of the establishments and failing to notify the Board that the establishments were without licensed managers within ten days following the previous managers' last days of employment.

3. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and (3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents Supercuts #9517, Supercuts #9410, and Supercuts #9415 are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondents shall pay FORFEITURES and COSTS of this matter as follows:
 - i. Supercuts #9517 shall pay a FORFEITURE in the amount of \$100.00 and COSTS of this matter in the amount of \$294.83.
 - ii. Supercuts #9410 shall pay a FORFEITURE in the amount of \$100.00 and COSTS of this matter in the amount of \$389.08.
 - iii. Supercuts #9415 shall pay a FORFEITURE in the amount of \$100.00 and COSTS of this matter in the amount of \$210.25.
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 forfeitures and costs as ordered, Respondents' licenses (no. 31363-80, no. 20793-80, and no. 20795-80) 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 forfeitures and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

9-10-12
Date