

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

NANCY ORTH and STARR'S SISTER,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002033

Division of Enforcement Case No. 12 BAC 052

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

Nancy Orth
412 Water St.
Eau Claire, WI 54703

Starr's Sister
412 Water St.
Eau Claire, WI 54703

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 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 Nancy Orth (dob 09/11/1956) is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, having license number 17086-81, first issued on 09/09/1985 and current through 03/31/2013. Nancy Orth's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 412 Water St., Eau Claire, WI 54703.

2. Respondent Starr's Sister is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 16160-80, first issued on 12/19/1985 and current through 03/31/2013. The most recent address on file with the Department for Starr's Sister is 412 Water St., Eau Claire, WI 54703. Respondent Nancy Orth is the owner and manager of Starr's Sister.

3. On May 9, 2012, the Department received a complaint against Respondents from an Apprenticeship Training Representative with the Bureau of Apprenticeship Standards alleging that Respondents were allowing unlicensed activity. Division of Enforcement case file number 12 BAC 052 was subsequently opened for investigation.

4. The Department's investigation revealed that Sydney Brooks practiced as a cosmetologist without a license at Respondent Starr's Sister from August 30, 2010 to May 5, 2012. Ms. Brooks' apprentice permit had expired on August 30, 2010, and her apprentice contract was officially cancelled on May 24, 2012 by the Bureau of Apprenticeship Standards.

5. On September 8, 2008, the Board issued a Final Decision and Order (LS0809088BAC) against Ms. Orth and Starr's Sister for assisting in unlicensed practice in violation of Wis. Admin. Code § BC 2.04(1).

6. In resolution of this matter, Respondents Nancy Orth and Starr's Sister 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 Nancy Orth and Starr's Sister violated Wis. Admin. Code § BC 2.04(1) by permitting an unlicensed individual to perform cosmetology services.

3. As a result of the above violation, 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. Respondent Nancy Orth's barbering or cosmetology manager license (no. 17086-81) is SUSPENDED for ten working days, starting fifteen days following the date of this Order.

3. Within 90 days of the date of this Order, Respondent Nancy Orth shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$100.72.

Within 90 days of the date of this Order, Respondent Starr's Sister shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$100.73.

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:

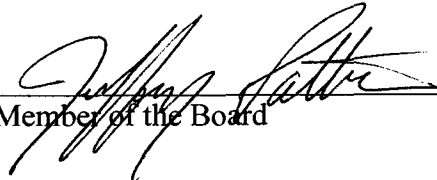
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

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. 17086-81 and 16160-80) 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 COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

9-10-12
Date