

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."  
The status of an appeal may be found on court access websites at:  
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	OF DEFAULT
MERRIE G. GIANNUNZIO,	:	
RESPONDENT.	:	ORDER 0002035

---

Division of Enforcement Case File Number 11 BAC 172

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

Merrie G. Giannunzio  
1232 Bay Shore Dr.  
Oshkosh, WI 54901-5410

Wisconsin Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53707-8935

Division of Enforcement  
Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as a citation that Respondent Merrie G. Giannunzio failed to pay. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Merrie G. Giannunzio is licensed in the state of Wisconsin as a Barbering or Cosmetology Manager, license number 81-30790. This license was first granted to Respondent Giannunzio on October 25, 2005 and is current through March 31, 2013.
2. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent Giannunzio is 1232 Bay Shore Dr., Oshkosh, WI 54901-5410.
3. Respondent Giannunzio is the owner and responsible manager for Jacinda's Spa and Salon, LLC.

4. A Department investigator conducted an inspection of Jacinda's Spa and Salon, LLC, on February 10, 2012.

5. The Department investigator discovered Stacy Lang practicing aesthetics. Ms. Lang is not licensed as an aesthetician or cosmetology practitioner in the State of Wisconsin.

6. Following the investigation, Respondent Giannunzio was issued a \$1,000 citation for allowing Stacy Lang to practice aesthetics without a license. A true and correct copy of this citation is attached as Exhibit A and is incorporated herein by reference.

7. Respondent Giannunzio has not paid the citation that was issued to Respondent Giannunzio on or about March 26, 2012.

#### CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondent Giannunzio violated Wis. Admin. Code § BC 2.04(1) by assisting in the unlicensed practice of barbering and cosmetology.

3. As a result, Respondent Giannunzio is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

4. Respondent Giannunzio is in default pursuant to Wis. Admin. Code § BC 10.07(1) for failing to make a deposit.

5. Pursuant to Wis. Admin. Code § BC 10.07(1), the Board has the authority to issue an order of default against Respondent Giannunzio for the amount identified in the citation without further proceedings.

#### ORDER

1. Respondent Giannunzio is in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$1,000 within thirty (30) days from the date of this Order.

2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:


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

3. 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 refusal to renew credentialing or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

  
A Member of the Board

9-10-12  
Date

# Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935  
Madison, WI 53708-8935

FAX #: (608) 266-2264  
Phone #: (608) 266-2112

1400 E. Washington Avenue  
Madison, WI 53703  
E-Mail: web@drl.state.wi.us  
Website: http://drl.wi.gov

## BARBERING AND COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

<input checked="" type="checkbox"/> CITATION DOE CASE FILE # <u>11 BAC 172</u>	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<u>MERRIE GIANNUNZIO</u>	
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>81-30790</u>	OR <input type="checkbox"/> Establishment Name License # _____

440 MAIN ST. OSHKOSH 54901  
Street City Zip  
FRIDAY 2/10/2012 1:00 PM APPROX  
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

ENTERED  
IT WAS CONFIRMED THROUGH APPOINTMENTS IN A CUSTOMER  
APPOINTMENT BOOK, OBTAINED FROM JACINORS SPA & SALON, THAT  
STACY LANG, THE OWNER'S DAUGHTER, WAS PERFORMING AESTHETICS  
WITHOUT HAVING THE PROPER LICENSE.

In violation of Section BC 2.04(1) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code  
Douglas M. Austin INVESTIGATOR 3/26/2012  
Signature of Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 1000.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.