

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

MARILYN M. BROOKS AND
CHANGING FACES BEAUTY SALON,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002176
:

Division of Legal Services and Compliance¹ Case No. 12 BAC 034

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

Marilyn M. Brooks
3638 N. 25th St.
Milwaukee, WI 53206

Changing Faces Beauty Salon
4630 W. Burleigh St.
Milwaukee, WI 53210

Wisconsin Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
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 Marilyn M. Brooks (dob 01/05/1966) is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, having license number 81-32245, first issued on May 12, 2008, and current through March 31, 2013. Respondent Brooks' most recent

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3638 N. 25th St., Milwaukee, WI 53206.

2. Respondent Changing Faces Beauty Salon is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-33421, first issued on September 27, 2005, and current through March 31, 2013. Respondent Changing Faces Beauty Salon's most recent address on file with the Department is 4630 W. Burleigh St., Milwaukee, WI 53210.

3. Respondent Brooks is the owner of Respondent Changing Faces Beauty Salon, and was the responsible cosmetology manager of Respondent Changing Faces Beauty Salon at all times relevant to this matter.

4. On March 30, 2012, a City of Milwaukee police officer made a visit to Respondent Changing Faces Beauty Salon regarding a complaint. While there, he noted that two individuals identified as barbers were unable to produce barbering and cosmetology licenses.

5. A check of Department credentialing records showed that one of the individuals identified by the City of Milwaukee police officer did not have a barbering and cosmetology license. The other individual had an expired barbering and cosmetology manager license. Division of Legal Services and Compliance case number 12 BAC 034 was subsequently opened for investigation.

6. Respondent Brooks' barbering and cosmetology manager license was expired from April 1, 2011 to June 6, 2012. Respondent Brooks practiced barbering and cosmetology while her license was expired.

7. On June 1, 2012, a Department investigator performed an unannounced inspection of Respondent Changing Faces Beauty Salon. The inspection and follow-up investigation revealed the following violations:

- a. Respondent Changing Faces Beauty Salon operated with an expired license for approximately 9 months, from April 1, 2011 until it was renewed on January 5, 2012;
- b. An employee with an expired barbering and cosmetology practitioner license was providing barbering and cosmetology services;
- c. Another employee did not have a barbering and cosmetology license; and
- d. A poisonous substance (spray air freshener) was found in the public restroom, not in a locked cabinet or closet.

7. In resolution of this matter, Respondent Brooks and Respondent Changing Faces Beauty Salon 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, Respondent Brooks and Respondent Changing Faces Beauty Salon violated:

- a. Wis. Admin. Code §§ BC 2.045(1) and 3.01(1) by operating with an expired barbering and cosmetology establishment license;
- b. Wis. Admin. Code § BC 2.04(1) by assisting in unlicensed practice of barbering and cosmetology services; and
- c. Wis. Admin. Code § BC 3.01(6) by storing poisonous substances in an unlocked public area.

3. As a result of the above violations, Respondent Brooks and Respondent Changing Faces Beauty Salon are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and 454.15(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent Marilyn M. Brooks and Respondent Changing Faces Beauty Salon are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent Brooks shall pay a FORFEITURE in the amount of \$1,050.00 and COSTS of this matter in the amount of \$115.00.
4. Within 120 days of the date of this Order, Respondent Changing Faces Beauty Salon shall pay a FORFEITURE in the amount of \$1,050.00 and COSTS of this matter in the amount of \$115.00
5. 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:

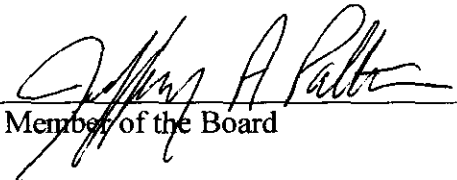
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 81-32245 and 80-33421) 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 COSMETOLOGY EXAMINING BOARD

by: 
A Member of the Board

12-3-12
Date