

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 #90292,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002371

Division of Legal Services and Compliance¹ Case No. 12 BAC 072

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

Supercuts #90292
106 Frances Lane, Suite H
Beaver Dam, WI 53916

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 Supercuts #90292 is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-32929, first issued on April 14, 2005 and current through March 31, 2013. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Supercuts #90292 is 106 Frances Lane, Suite H, Beaver Dam, Wisconsin 53916.

2. From May 1, 2012 until October 1, 2012, Respondent operated without a licensed manager.

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

3. Pursuant to Wis. Admin. Code § BC 2.06(5), if the manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a manager. The owner shall notify the board that the manager is no longer employed or has become otherwise unavailable within 10 days following the manager's last day of employment.

4. Respondent operated without a manager for approximately 150 days. Respondent did not notify the Board that the manager was no longer employed within 10 days following the manager's last day of employment.

5. In resolution of this matter, Respondent consents 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, Supercuts #90292, violated Wis. Admin. Code §§ BC 2.06(5) and BC 3.02(1) by operating without a licensed manager and failing to notify the Board within ten days that Respondent no longer had a manager.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Supercuts #90292 is REPRIMANDED.

3. Within 90 days from the date of this Order, Supercuts #90292 shall pay a FORFEITURE in the amount of \$100.00 and COSTS of this matter in the amount of \$300.00.

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 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

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

Respondent's license. 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 Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 80-32929) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid 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

4-1-13
Date