

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
: ADMINISTRATIVE INJUNCTION
AMY ROSENBERG, :
RESPONDENT. : **ORDER 0002469**

Division of Legal Services and Compliance Case No. 13 UNL 042

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

Amy Rosenberg
6653 124th St.
Pleasant Prairie, WI 53158

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

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent, Amy Rosenberg, is not and has never been licensed to practice manicuring or cosmetology in the State of Wisconsin, nor has she ever been licensed as a cosmetology manager. During the dates at issue she was not a student of cosmetology or manicuring, nor was she an apprentice.

2. Between approximately January 2013 through April 2013, Respondent provided manicuring services to residents at the Weshtosha Senior Center, Bristol, Wisconsin 53104.

3. For a fee of \$19 per person, Respondent provided foot care services to elderly patients who also had health complications including diabetes and heart disease. Services provided included toe nail trimming and cleansing of the feet.

4. The conduct set out in paragraph 3, above, constitutes manicuring for a fee, for which licensure by the Wisconsin Cosmetology Examining Board is required.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 454.01(7m)(c) defines “cosmetology” to include, performing, for compensation, manicuring.

3. Wisconsin Stat. § 454.01(13) defines “manicuring” as “for compensation, cleansing, cutting, shaping, beautifying or massaging limited to the hands, feet or nails of the human body.”

4. Wisconsin Stat. § 454.04(1)(d) requires for authorization to practice manicuring: training in the area of service provided; and current licensure as a manicurist, cosmetologist or cosmetology manager, or a temporary permit or training permit, or an apprenticeship or that the person providing the service is a student of manicuring or cosmetology.

5. The conduct described in the Findings of Fact, above, constitutes the practice of manicuring without the required credential, contrary to Wis. Stat. § 454.04(1)(d).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed or otherwise credentialed to practice manicuring by the Wisconsin Cosmetology Examining Board, Respondent is enjoined and prohibited from the practice of manicuring in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).


3. Unless and until Respondent is properly licensed or otherwise credentialed to practice manicuring by the Wisconsin Cosmetology Examining Board, Respondent is enjoined and prohibited from directly or indirectly holding herself out as one authorized to practice manicuring in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer

the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 10th day of ^{June}~~April~~, 2013.

By: 

Michael J. Berndt, Chief Counsel
On behalf of the Department