

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

CHANTEL M. TURK and
ORANGE PEARL SALON,
RESPONDENTS.

:
:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0003151

Division of Legal Services and Compliance Case No. 13 BAC 038

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

Chantel M. Turk
300 Pearl St.
La Crosse, WI 54601

Orange Pearl Salon Inc.
300 Pearl St.
La Crosse, WI 54601

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 Chantel M. Turk is licensed in the State of Wisconsin as a cosmetology manager, having license number 28537-81, first issued on December 1, 2008, and current through March 31, 2015. Chantel M. Turk's most recent address on file with the Department of Safety and Professional Services (Department) is 300 Pearl Street, La Crosse, Wisconsin 54601.

2. Respondent Orange Pearl Salon Inc. is licensed in the State of Wisconsin as a cosmetology establishment, having license number 35653-80, first issued on February 1, 2008, and current through March 31, 2015. Orange Pearl Salon's most recent address on file with the Department is 300 Pearl Street, La Crosse, Wisconsin 54601.

3. Chantel M. Turk is listed in Department records as the owner of Orange Pearl Salon and the manager of record at the salon.

4. The Department received an e-mailed complaint with an allegation of an unlicensed person practicing as a cosmetologist in the salon for approximately three (3) years. Case number 13 BAC 038 was subsequently opened for investigation.

5. On June 21, 2013, a department investigator made an unannounced visit to Orange Pearl Salon. The investigator observed the following:

- a. Through an examination of customer appointment records, an unlicensed individual, Choya Woods, was found to be providing cosmetology services to patrons in the salon since at least December 2012.
- b. No prices were posted in the establishment.
- c. No licenses were posted in the establishment.
- d. Poisonous substances stored in a public area (bathroom) were not locked in a cabinet or closet.
- e. Establishment was not kept in a clean and sanitary state, to wit, loose, clipped hair remnants were found in drawers of multiple workstations, where allegedly clean implements were stored.
- f. Allegedly clean implements, to wit, brushes and scissors, had loose, clipped hair remnants on them.

6. In resolution of this matter, Respondents 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, Respondent Turk violated Wis. Admin. Code § COS 2.04(1) by assisting in unlicensed practice of cosmetology.

3. By the conduct described in the Findings of Fact, Respondent Turk violated Wis. Admin Code § COS 2.05(2) by failing to post prices.

4. By the conduct described in the Findings of Fact, Respondent Turk, as manager of record, violated Wis. Admin Code § COS 2.07(2) by failing to post licenses.

5. By the conduct described in the Findings of Fact, Respondent Turk violated Wis. Admin Code § COS 3.01(6) by failing to lock up poisonous substances that were stored in a public place.

6. By the conduct described in the Findings of Fact, Respondent Turk violated Wis. Admin Code § COS 4.01(1) and (7) by failing to maintain the establishment and implements in a clean and sanitary condition to sight and touch.

7. By the conduct described in the Findings of Fact, Respondent Turk violated Wis. Admin Code § COS 4.02(2) and (3) by failing to maintain implements, to wit brushes and scissors, in a clean and sanitary condition.

8. As a result of the above violations, Respondent's Turk and Orange Pearl Salon are subject to discipline pursuant to Wis. Stat. § 454.15(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Turk is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Turk shall pay a FORFEITURE in the amount of \$650 and COSTS of this matter in the amount of \$224.00

4. Respondent Orange Pearl Salon is REPRIMANDED.

5. Within 90 days from the date of this Order, Respondent Orange Pearl Salon shall pay a FORFEITURE in the amount of \$650 and COSTS of this matter in the amount of \$224.00.

6. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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

7. 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 licenses (no. 28537-81 and 35653-80) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: *Geraldine Reuter*
A Member of the Board

4-15-2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
CHANTEL M. TURK and	:	
ORANGE PEARL SALON,	:	ORDER 0003151
RESPONDENTS.	:	

Division of Legal Services and Compliance Case No. 13 BAC 038

Respondents Chantel M. Turk, Orange Pearl Salon, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:


1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
 - the right to a hearing on the allegations against Respondents, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against the Respondents;
 - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
 - the right to testify on Respondents' own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to the Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondents' right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

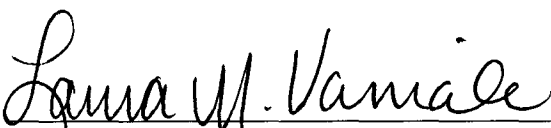
8. The Division of Legal Services and Compliance join Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Chantel M. Turk
300 Pearl St.
La Crosse, WI 54601
License no. 35653-80

9-27-13
Date


Chantel M. Turk for
Orange Pearl Salon Inc., Respondent
300 Pearl St.
La Crosse, WI 54601
License no. 28537-81

9-27-13
Date


Laura M. Varriale, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

10/2/2013
Date