

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

DENISE M. LEWIS AND D MARIES,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
:
: 0003260

Division of Legal Services and Compliance Case No. 13 BAC 061

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

Denise M. Lewis
N85W15780 Appleton Ave., Suite 108
Menomonee Falls, WI 53051-3043

D Maries
N85W15780 Appleton Ave., Suite 108
Menomonee Falls, WI 53051-3043

Wisconsin Cosmetology Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Denise M. Lewis (dob March 14, 1967) is licensed in the State of Wisconsin as a Cosmetology Manager, having license number 28340-081, first issued on June 8, 2000 and current through March 31, 2015. Respondent Lewis' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N85W15780 Appleton Ave., Suite 108, Menomonee Falls, WI 53051-3043.

2. Respondent D Maries is licensed in the State of Wisconsin as a Cosmetology Establishment, having license number 33799-080, first issued on February 24, 2006 and current through March 31, 2015. Respondent D Maries' most recent address on file with the Department is N85W15780 Appleton Ave., Suite 108, Menomonee Falls, WI 53051-3043.

3. Respondent Lewis is the owner and manager of Respondent D Maries.

4. From April 1, 2011 through April 2, 2013, Respondent D Maries' license was expired.

5. Respondent D Maries operated as a cosmetology establishment while its license was expired.

6. Respondent Lewis provided cosmetology services at Respondent D Maries while Respondent D Maries' license was expired.

7. 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, Respondents Lewis and D Maries violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

3. As a result of the above violations, Respondents Lewis and D Marie are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.

2. Respondents Denise M. Lewis and D Maries are REPRIMANDED.

3. Respondent Denise M. Lewis shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$206.00 in four quarterly payments. The first payment of \$176.50 shall be paid within 90 days of the date of this Order with a \$176.50 payment due every 90 days thereafter for a total of four payments.

4. Respondent D Maries shall pay COSTS of this matter in the amount of \$206.00 in four quarterly payments. The first payment of \$51.50 shall be paid within 90 days of the date of this Order with a \$51.50 payment due every 90 days thereafter for a total of four payments.

5. 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DPSMonitoring@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 forfeiture and costs as ordered, Respondents' licenses (no. 28340-081 and no. 33799-080) 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 forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

Gerri Bente
A Member of the Board

6-10-2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DENISE M. LEWIS AND D MARIES,
RESPONDENTS.

STIPULATION

0003260

Division of Legal Services and Compliance Case No. 13 BAC 061

Respondents Denise M. Lewis and D Maries 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 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 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. Respondents are aware of Respondents' right to seek legal representation and have 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.

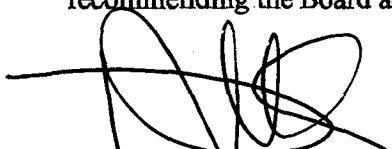
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Respondents, 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.

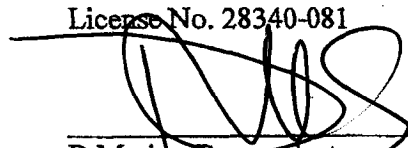
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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




Denise M. Lewis, Respondent
N85W15780 Appleton Ave., Suite 108
Menomonee Falls, WI 53051-3043
License No. 28340-081

4-30-14
Date



D Maries, Respondent
By Denise M. Lewis
N85W15780 Appleton Ave., Suite 108
Menomonee Falls, WI 53051-3043
License No. 33799-080

4-30-14
Date



Al Rohmeyer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5-2-14
Date