

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

MARION C. WARD,
RESPONDENT.

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FINAL DECISION AND ORDER

0003263

Division of Legal Services and Compliance Case No. 13 BAC 040

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

Marion C. Ward
W7625 W. Maple Ct.
Shiocton, WI 54170

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 Marion C. Ward (dob March 22, 1947) is licensed in the State of Wisconsin as a cosmetology manager, having license number 31484-81, first issued on February 15, 2007 and current through March 31, 2015. Marion C. Ward's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7625 W. Maple Ct., Shiocton, WI 54170.

2. Between January 2007 and December 2013, Respondent provided cosmetology services from a booth at Curt's London Barbers in New London, WI without an establishment license.

3. A Department inspection on June 19, 2013 revealed Respondent did not maintain all areas of the establishment in a clean, sanitary and safe condition.

4. 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, Marion C. Ward violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 2.045(1) and 3.01(1) by practicing outside of a licensed establishment.

3. By the conduct described in the Findings of Fact, Marion C. Ward violated Wis. Admin. Code § Cos 4.01(1) by failing to maintain all areas of the establishment in a clean, sanitary and safe condition.

4. As a result of the above violations, Marion C. Ward is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the cosmetology manager license of Marion C. Ward (number 31484-81) is hereby ACCEPTED.

3. Should Respondent re-apply for a license with the Board:

a. Respondent shall pay COSTS of this matter in the amount of \$126.00 before any such application may be considered.

b. Respondent shall submit a new application for a license and meet all requirements for licensure or certification existing at the time of the application.

c. The Department may determine whether and under what terms and conditions such license may be granted.

4. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondents' right to re-apply for a license. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Gerri Hunter
A Member of the Board

6-10-2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARION C. WARD,
RESPONDENT.

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STIPULATION

0003263

Division of Legal Services and Compliance Case No. 13 BAC 040

Respondent Marion C. Ward 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's 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 Respondent 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 Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees 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. Respondent waives 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. Respondent is 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Marion C. Ward
Marion C. Ward, Respondent
W7625 W. Maple Ct. / W9316 ST
Shiocton, WI 54170 HIWAY 187
License No. 31484-81

21 May 2014
Date

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

5/27/14
Date