

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CURTISS E. SOMMER, MARILYN SOMMER	:	
AND CURT'S LONDON BARBERS,	:	
RESPONDENTS.	:	<b>0003429</b>

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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:

Curtiss E. Sommer  
E-8124-Cut-Off-Rd  
New London, WI 54961

Marilyn Sommer  
E-8124-Cut-Off-Rd  
New London, WI 54961

Curt's London Barbers  
201 S. Pearl St.  
New London, WI 54961

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 Curtiss E. Sommer (dob June 15, 1936) is licensed in the State of Wisconsin as a cosmetology manager, having license number 21892-81, first issued on July 26, 1987 and current through March 31, 2015. Curtiss E. Sommer's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is E-8124-Cut-Off-Rd, New London, WI 54961.
2. Respondent Marilyn Sommer (dob January 26, 1940) is licensed in the State of Wisconsin as a cosmetology practitioner, having license number 45186-82, first issued on March 14, 1983 and current through March 31, 2015. Marilyn Sommer's most recent address on file with the Department is E-8124-Cut-Off-Rd, New London, WI 54961.
3. Respondent Curt's London Barbers is licensed in the State of Wisconsin as a cosmetology establishment, having license number 18059-80, first issued on May 11, 1981 and expired on March 31, 2011. Curt's London Barbers' most recent address on file with the Department is 201 S. Pearl St., New London, WI 54961.
4. Respondents Curtiss E. Sommer and Marilyn Sommer co-own Respondent Curt's London Barbers.
5. Respondent Curtiss E. Sommer is listed in Department records as the manager of record for Respondent Curt's London Barbers.
6. Between March 31, 2011 and December 2011, Respondents Curtiss E. Sommer and Marilyn Sommer provided cosmetology services at Respondent Curt's London Barbers without a current establishment license.
7. Respondents Curtiss E. Sommer and Marilyn Sommer retired in December 2011.
8. Respondents Curtiss E. Sommer and Marilyn Sommer leased booths to individuals who did not have establishment licenses and without a written lease agreement.
9. In resolution of this matter, Respondents consent 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, Curtiss E. Sommer and Marilyn Sommer violated Wis. Admin. Code § Cos 3.02(2) by leasing a chair or a booth to a licensed individual without a written lease agreement.

3. By the conduct described in the Findings of Fact, Curtiss E. Sommer and Marilyn Sommer violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

4. By the conduct described in the Findings of Fact, Curt's London Barbers violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

5. As a result of the above violations, Curtiss E. Sommer, Marilyn Sommer and Curt's London Barbers are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the cosmetology manager license of Curtiss E. Sommer (number 21892-81) is hereby ACCEPTED.

3. The VOLUNTARY SURRENDER of the cosmetology practitioner license of Marilyn Sommer (number 45186-82) is hereby ACCEPTED.

4. The VOLUNTARY SURRENDER of the cosmetology establishment license of Curt's London Barbers (number 18059-80) is hereby ACCEPTED.

5. Should any Respondents 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.

6. 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Terri Renteria  
A Member of the Board

Date 9/30/2014

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CURTISS E. SOMMER, MARILYN SOMMER  
AND CURT'S LONDON BARBERS,  
RESPONDENT.

:  
:  
:  
:  
:  
:

STIPULATION

**0003429**

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

Respondents Curtiss E. Sommer, Marilyn Sommer and Curt's London Barbers 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.

Curtiss E. Sommer  
Curtiss E. Sommer, Respondent  
E-8124-Cut-Off-Rd  
New London, WI 54961  
License No. 21892-81

JUNE 11 - 2014  
Date

Marilyn Sommer  
Marilyn Sommer, Respondent  
E-8124-Cut-Off-Rd  
New London, WI 54961  
License No. 45186-82

JUNE 11<sup>th</sup> 2014  
Date

Curtiss E. Sommer  
Curt's London Barbers, Respondent  
By: Curtiss E. Sommer  
201 S. Pearl St.  
New London, WI 54961  
License No. 18059-80

JUNE 11 - 2014  
Date

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

6/19/14  
Date