

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

LOUISE M. ROSSI-KABE AND
ROSSI'S BARBER SHOP,
RESPONDENTS.

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FINAL DECISION AND ORDER

0003430

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:

Louise M. Rossi-Kabe
W6921 Patri Rd.
Manawa, WI 54949

Rossi's Barber Shop
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 Louise M. Rossi-Kabe (dob March 5, 1960) is licensed in the State of Wisconsin as a cosmetology manager, having license number 20959-81, first issued on December 6, 1982 and current through March 31, 2015. Louise M. Rossi-Kabe's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W6921 Patri Rd., Manawa, WI 54949.

2. Respondent Rossi's Barber Shop is licensed in the State of Wisconsin as a cosmetology establishment, having license number 36498-80, first issued on February 2, 2009 and current through March 31, 2015. Rossi's Barber Shop's most recent address on file with the Department is 201 S. Pearl St., New London, WI 54961.

3. Respondent Rossi-Kabe is the owner and manager of record of Respondent Rossi's Barber Shop.

4. Between April 1, 2011 and July 2, 2013, Respondent Rossi's Barber Shop's license was expired.

5. Between April 1, 2011 and July 2, 2013, Respondent Rossi-Kabe provided cosmetology services from Rossi's Barber Shop.

6. A Department inspection on June 19, 2013 revealed:

a. Respondent Rossi-Kabe did not remove loose hair regularly and did not place loose hair in a closed container.

b. Respondent Rossi-Kabe did not maintain all areas of the establishment in a clean, sanitary and safe condition.

7. 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, Louise M. Rossi-Kabe violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 2.045(1) and 3.01(1) by practicing cosmetology outside of a licensed establishment.

3. By the conduct described in the Findings of Fact, Louise M. Rossi-Kabe violated Wis. Admin. Code § Cos 3.01(4) by failing to remove loose hair regularly and failing to place loose hair in a closed container.

4. By the conduct described in the Findings of Fact, Louise M. Rossi-Kabe violated Wis. Admin. Code § Cos 4.01(1) by failing to maintain all areas of the establishment in a clean, sanitary and safe condition.

5. By the conduct described in the Findings of Fact, Rossi's Barber Shop violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

6. As a result of the above violations, Louise M. Rossi-Kabe and Rossi's Barber Shop are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Louise M. Rossi-Kabe is REPRIMANDED.
3. Respondent Rossi's Barber Shop is REPRIMANDED.
4. Respondent Louise M. Rossi-Kabe shall pay a FORFEITURE in the amount of \$600 and COSTS of this matter in the amount of \$126.00, subject to the following conditions:
 - a. \$126 within 30 days of the date of this Order;
 - b. \$100 within 60 days of the date of this Order;
 - c. \$100 within 90 days of the date of this Order;
 - d. \$100 within 120 days of the date of this Order;
 - e. \$100 within 150 days of the date of this Order;
 - f. \$100 within 180 days of the date of this Order; and
 - g. \$100 within 210 days of the date of this Order.
5. Respondent Rossi's Barber Shop shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$126.00.
 - a. \$126 within 30 days of the date of this Order;
 - b. \$100 within 60 days of the date of this Order;
 - c. \$100 within 90 days of the date of this Order;
 - d. \$100 within 120 days of the date of this Order;
 - e. \$100 within 150 days of the date of this Order; and
 - f. \$100 within 180 days of the date of this Order.
6. Payment of forfeitures 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
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 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 forfeitures and costs as ordered, Respondents' licenses (no. 20959-81 and no. 36498-80) 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 forfeitures and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

9/30/2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LOUISE M. ROSSI-KABE AND
ROSSI'S BARBER SHOP,
RESPONDENTS.

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STIPULATION

0003430

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

Respondents Louise M. Rossi-Kabe and Rossi's Barber Shop 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. Respondents are represented by Attorney Angela F. Boelter.

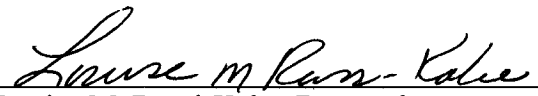
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

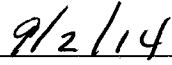
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

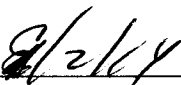
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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.

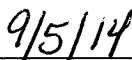

Louise M. Rossi-Kabe, Respondent
W6921 Patri Rd.
Manawa, WI 54949
License No. 20959-81


Date


Rossi's Barber Shop, Respondent
By: Louise M. Rossi-Kabe
201 S. Pearl St.
New London, WI 54961
License No. 36498-80


Date


Angela F. Boelter, Attorney for Respondents
121 East Main Street
P.O. Box 499
Weyauwega, WI 54983


Date

Andrea Brauer

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

9/8/14
Date