

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELSEY R. OLVERA,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0003434

Division of Legal Services and Compliance Case No. 13 BAC 052

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

Kelsey R. Olvera
410 South 5th Street
Evansville, WI 53536

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 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 Kelsey R. Olvera (dob December 8, 1986) is licensed in the State of Wisconsin as a barbering or cosmetology practitioner, having license number 90828-82, first issued on March 30, 2010 and current through March 31, 2015. Kelsey R. Olvera's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 410 South 5th Street, Evansville, Wisconsin 53536.

2. Between April 1, 2013 and September 5, 2013, Respondent's practitioner license was expired.

3. Between April 1, 2013 and September 5, 2013, Respondent practiced cosmetology without a current practitioner license.
4. Since October 2012, Respondent has operated a barbering or cosmetology booth under the name Barber and Company.
5. Since October 2012, Respondent has provided cosmetology and personal care services from Barber and Company without a barbering or cosmetology manager license.
6. Since October 2012, Respondent has provided cosmetology and personal care services from Barber and Company without a barbering or cosmetology establishment license.
7. On March 6, 2014, a Department investigator conducted an inspection of Barber and Company. The inspection revealed that Respondent only changed her disinfectant used for contamination once a week.
8. 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, Kelsey R. Olvera violated Wis. Stat. § 454.04(1)(a) by engaging in cosmetology without a current license.
3. By the conduct described in the Findings of Fact, Kelsey R. Olvera violated Wis. Admin. Code § Cos 2.04(1) by participating in the unauthorized or unlicensed practice of cosmetology.
4. By the conduct described in the Findings of Fact, Kelsey R. Olvera violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 3.01 and 2.045(1) by practicing cosmetology outside of a licensed establishment.
5. By the conduct described in the Findings of Fact, Kelsey R. Olvera violated Wis. Admin. Code § Cos 4.02(5) by failing to change disinfectant used for decontamination daily.
6. As a result of the above violations, Kelsey R. Olvera is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.
2. The barbering or cosmetology practitioner license of Respondent Kelsey R. Olvera (license no. 90828-82) is SUSPENDED for an indefinite period of time. This suspension

shall be removed and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent: (a) is practicing in a licensed establishment under a licensed manager or (b) has obtained valid establishment and manager licenses. Such proof of compliance shall be sent to the Department Monitor at the address below.

3. Within 90 days from the date of this Order, Kelsey R. Olvera shall pay a FORFEITURE in the amount of \$2,100 and COSTS of this matter in the amount of \$750.

4. Proof of compliance and 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
DSPSMonitoring@wisconsin.gov

5. 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 license (no. 90828-82) 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.

6. 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

KELSEY R. OLVERA,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003434

Division of Legal Services and Compliance Case No. 13 BAC 052

Respondent Kelsey R. Olvera 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.

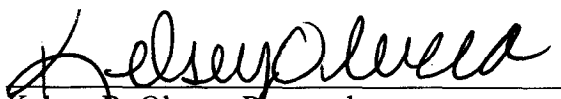
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

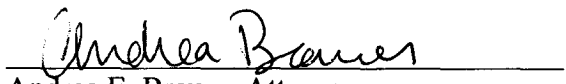
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Kelsey R. Olvera, Respondent
410 South 5th Street
Evansville, WI 53536
License no. 90828-82

5-15-14
Date


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

5/20/14
Date