

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

LOUIS D. CLARK AND
FANCI THAT II,
RESPONDENTS.

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FINAL DECISION AND ORDER

0003437

Division of Legal Services and Compliance Case No. 13 BAC 078

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

Louis D. Clark
41 Five Oaks Drive
Menasha, WI 54952

Fanci That II
1009 S Lake St.
Neenah, WI 54956

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 Louis D. Clark (dob January 12, 1968) is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, having license number 29882-81, first issued on March 12, 2004 and expired on March 31, 2013. Respondent Clark's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 41 Five Oaks Drive, Menasha, WI 54952.

2. Respondent Fanci That II (dba Fanci That II Beauty Salon) is licensed in the State of Wisconsin as a Cosmetology Establishment, having license number 36035-80, first issued on June 27, 2008 and current through March 31, 2015. Fanci That II's most recent address on file with the Department is 1009 South Lake Street, Neenah, WI 54956.

3. Respondent Clark is the owner and manager of Respondent Fanci That II.

4. On or about June 11, 2013, the Department notified Respondent Clark that his Barbering or Cosmetology Manager license (license no. 29882-81) would not be renewed due to tax delinquency.

5. On or about August 1, 2013, the Department was notified by Wisconsin Department of Revenue Field Agent Tim Schnese that he had visited Respondent Fanci That II on July 31, 2013 and had observed that the establishment was open for business and Respondent Clark was practicing cosmetology. Division of Legal Services and Compliance Case No. 13 BAC 078 was subsequently opened for investigation.

6. On September 12, 2013, a Department investigator visited Respondent Fanci That II and observed that the establishment was closed for business.

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, Respondent Clark violated Wis. Stat. § 454.04(1) and Wis. Admin. Code § Cos 2.03(1) by engaging in cosmetology without a current cosmetology license.

3. By the conduct described in the Findings of Fact, Respondents Clark and Fanci That II violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

4. As a result of the above violations, Respondents Clark and Fanci That II are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Louis D. Clark's right to renew his Barbering or Cosmetology Manager license (license no. 29882-81) is hereby ACCEPTED.

3. The VOLUNTARY SURRENDER of Respondent Fanci That II's Cosmetology Establishment license (license no. 36035-80) is hereby ACCEPTED.

4. Respondents shall not provide cosmetology services in the State of Wisconsin without being licensed to do so by the Board.

5. Respondents shall not re-apply for licensure for a period of two (2) years following the date of this Order.

6. Should Respondents re-apply for licensure:

a. Respondent Louis D. Clark shall pay half of the COSTS of this matter in the amount of \$560.00, before any such application may be considered.

b. Respondent Fanci That II shall pay half of the COSTS of this matter in the amount of \$560.00, before any such application may be considered.

c. Respondents shall submit new applications for licensure and meet all requirements for licensure or certification existing at the time of the application.

b. The Board may determine whether and under what terms and conditions such licensure may be granted.


7. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare.

9. 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

LOUIS D. CLARK AND
FANCI THAT II,
RESPONDENTS.

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STIPULATION

0003437

Division of Legal Services and Compliance Case No. 13 BAC 078

Respondents Louis D. Clark and Fanci That II 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.

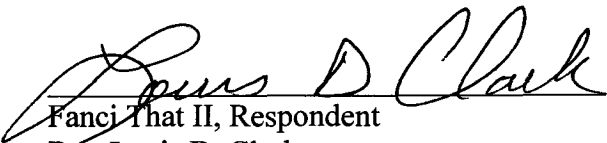
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes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

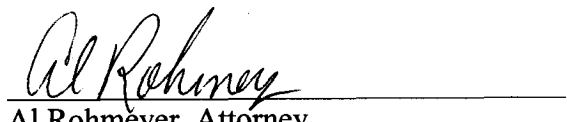
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Louis D. Clark, Respondent
41 Five Oaks Drive
Menasha, WI 54952
License No. 29882-81

5-1-14
Date


Fanci That II, Respondent
By: Louis D. Clark
1009 S Lake St.
Neenah, WI 54956
License No. 36035-80

5-1-14
Date


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

6-2-14
Date