

## 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

PATRICK F. BEAN,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003438**

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Division of Legal Services and Compliance Case No. 13 BAC 079

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

Patrick F. Bean  
4913 W. Center St.  
Milwaukee, WI 53210

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 Patrick F. Bean (dob May 27, 1964) is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 32002-81, first issued on December 10, 2007 and current through March 31, 2015. Patrick F. Bean's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4913 W. Center St., Milwaukee, WI 53210.

2. At all times relevant to this proceeding, Respondent was the owner of Le Beans Barber Styling Salon, a cosmetology establishment.

3. Between at least March 31, 2011 and August 4, 2013, Le Beans Barber Styling Salon did not employ a manager for the establishment.

4. Between at least March 31, 2011 and August 4, 2013, Respondent operated Le Beans Barber Styling Salon without employing a manager for the establishment.

5. Between May 1, 2011 and August 4, 2013, Le Beans Barber Styling Salon's establishment license was expired.

6. Between May 1, 2011 and August 4, 2013, Respondent provided cosmetology services from Le Beans Barber Styling Salon without a valid establishment license.

7. On September 18, 2013, the Department conducted an inspection of Le Beans Barber Styling Salon. The inspection revealed the following:

a. Respondent's pet dog was in the salon while Respondent was performing cosmetology services for a client.

b. Respondent did not keep all areas of the establishment and the equipment, tools and implements used in a clean, sanitary and safe condition.

c. Respondent did not keep shampoo bowls and basins in a sanitary and safe condition.

d. Respondent was living in the Le Beans Barber Styling Salon did not keep the business and the living quarters separate.

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, Patrick F. Bean 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, Patrick F. Bean violated Wis. Stat. § 454.08(6) and Wis. Admin. Code § Cos 3.02(1) by operating an establishment without employing a manager who held a manager license and managed the establishment on a full-time basis.

4. By the conduct described in the Findings of Fact, Patrick F. Bean violated Wis. Admin. Code § Cos 4.02(1) by failing to maintain all areas of the establishment and the equipment, tools and implements used in a clean, sanitary and safe condition.

5. By the conduct described in the Findings of Fact, Patrick F. Bean violated Wis. Admin. Code § Cos 4.02(5) by failing to keep disinfectant used for decontamination in a covered container.

6. By the conduct described in the Findings of Fact, Patrick F. Bean violated Wis. Admin. Code § Cos 4.01(5) by failing to keep shampoo bowls and basins in a sanitary and safe condition.

7. By the conduct described in the Findings of Fact, Patrick F. Bean violated Wis. Admin. Code § Cos 3.01(10) by keeping a pet in the establishment during business hours.

8. By the conduct described in the Findings of Fact, Patrick F. Bean violated Wis. Admin. Code § Cos 3.01(11) by failing to keep business and living quarters separate.

9. As a result of the above violations, Patrick F. Bean is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Patrick F. Bean is REPRIMANDED.

3. Within 90 days from the date of this Order, Patrick F. Bean shall pay a FORFEITURE in the amount of \$300.

4. Payment of forfeiture 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 as ordered, Respondent's license (no. 32002-81) 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.

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

PATRICK F. BEAN,  
RESPONDENT.

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STIPULATION

**0003438**

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Division of Legal Services and Compliance Case No. 13 BAC 079

Respondent Patrick F. Bean 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

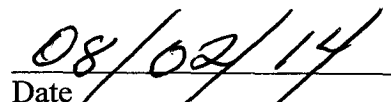
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

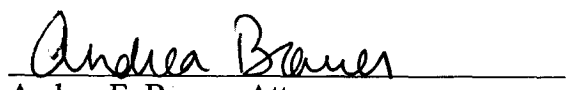
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

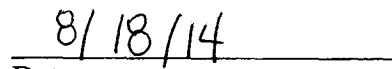
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
Patrick F. Bean, Respondent  
4913 W. Center St.  
Milwaukee, WI 53210  
License no. 32002-81

  
Date

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

  
Date