

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

KILEY J. SEMKE AND SALON INSPIRED,
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0003700

Division of Legal Services and Compliance Case No. 13 BAC 158

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

Kiley J. Semke
700 Angel Court, #105
Holmen, WI 54636

Salon Inspired
1907 George St.
La Crosse, WI 54603

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 Kiley J. Semke (dob July 3, 1987) is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 35085-81, first issued on September 30, 2013 and current through March 31, 2015. Kiley J. Semke is also licensed in the state of Wisconsin as a barbering or cosmetology practitioner, having license number 92942-82, first issued on August 12, 2011 and current through March 31, 2015. Kiley J. Semke's most

recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 700 Angel Court, #105, Holmen, WI 54636.

2. Respondent Salon Inspired is licensed in the State of Wisconsin as a barbering or cosmetology establishment, having license number 41184-80, first issued on April 11, 2014 and current through March 31, 2015. Salon Inspired's most recent address on file with the Department is 1907 George St., La Crosse, WI 54603.

3. As a part of Respondent Semke's application for a barbering or cosmetology manager license, Respondent Semke submitted two Employment Verification forms, which certified she had completed a total of 4,003 hours of practice as a licensed cosmetologist under the supervision of a licensed cosmetology manager.

4. In fact, Respondent Semke had only completed 3,813 hours of practice as a licensed cosmetologist under the supervision of a licensed cosmetology manager.

5. Respondent Semke had not completed any training hours of theoretical instruction in a school of cosmetology.

6. Respondent Semke does not have the qualifications necessary to obtain a barbering or cosmetology manager license.

7. Since September 27, 2013, Respondent Semke has leased a booth at Salon Inspired, a cosmetology establishment.

8. Between at least October 2013 and April 10, 2014, Respondent Semke provided cosmetology services from her booth at Salon Inspired without an establishment license.

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, Kiley J. Semke violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unlicensed or unauthorized practice of cosmetology.

3. By the conduct described in the Findings of Fact, Kiley J. Semke 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.

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

5. By the conduct described in the Findings of Fact, Kiley J. Semke is subject to discipline pursuant to Wis. Stat. § 454.15(2)(a) for making a material misstatement in an application for license.

6. As a result of the above violations, Kiley J. Semke is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(a), (c) and (i) and 454.15(3).

7. As a result of the above violations, Salon Inspired is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and 454.15(3).

ORDER

1. The attached Stipulation is accepted.

2. The barbering or cosmetology practitioner license issued to Respondent Kiley J. Semke (license number 92942-82) is REPRIMANDED.

3. The barbering or cosmetology manager license issued to Respondent Kiley J. Semke (license number 35085-81) is SUSPENDED indefinitely until Respondent Semke satisfies the Board or its designee that she has completed 4,000 hours of practice as a licensed cosmetologist under the supervision of a licensed cosmetology manager or 150 training hours of theoretical instruction in a school of cosmetology.

4. The barbering or cosmetology establishment license issued to Salon Inspired (license number 41184-80) is SUSPENDED indefinitely until Respondent Semke satisfies the Board or its designee that she has completed 4,000 hours of practice as a licensed cosmetologist under the supervision of a licensed cosmetology manager or 150 training hours of theoretical instruction in a school of cosmetology.

5. Kiley J. Semke shall pay a FORFEITURE in the amount of \$2,000 and COSTS of this matter in the amount of \$225, subject to the following terms and conditions:

- a. Within 30 days of the date of this Order, \$375;
- b. Within 60 days of the date of this Order, \$370;
- c. Within 90 days of the date of this Order, \$370;
- d. Within 120 days of the date of this Order, \$370;
- e. Within 150 days of the date of this Order, \$370, and;
- f. Within 180 days of the date of this Order, \$370.

6. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondents 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 forfeiture and costs as ordered, Respondents' licenses (no. 35085-81, no. 92942-82 and no. 41184-80) 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 forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: 
A Member of the Board

2/2/2015
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KILEY J. SEMKE AND SALON INSPIRED,
RESPONDENTS.

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STIPULATION

ORDER 0003700

Division of Legal Services and Compliance Case No. 13 BAC 158

Respondent Kiley J. Semke, Respondent Salon Inspired 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.

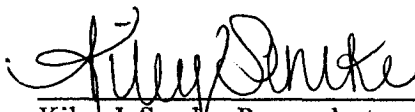
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.~~

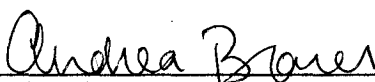
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Kiley J. Semke, Respondent
702 Redwood St.
Onalaska, WI 54650
License nos. 35085-81 and 92942-82

10/20/2014
Date


Salon Inspired, Respondent
by: Kiley J. Semke
1907 George St.
La Crosse, WI 54603
License no. 41184-80

10/20/2014
Date


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

11/7/2014
Date