

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 :
SPORTS CLIPS, : FINAL DECISION AND ORDER
RESPONDENT. :
0003861

Division of Legal Services and Compliance Case No. 13 BAC 119

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

Sports Clips
211 East Larson Lane
Oak Creek, WI 53154

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 Sports Clips is licensed in the State of Wisconsin as a Cosmetology Establishment, having credential number 36268-80, first issued on October 6, 2008 and current through March 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 211 East Larson Lane, Oak Creek, WI 53154.
2. Respondent is located in Racine, Wisconsin and operates under a Sports Clips franchise owned by L-J Inheritance LLC.
3. Respondent operated as a cosmetology establishment from April 1, 2013 through September 5, 2013, when its cosmetology establishment license was expired.

4. Respondent operated as a cosmetology establishment without a licensed cosmetology manager from March 16, 2014 through November 30, 2014.

5. On January 7, 2015, the Board issued citations for administrative forfeitures to Respondent for the conduct set forth in paragraphs 3 and 4 above.

6. Respondent wishes to resolve this matter pursuant to the voluntarily surrender of its cosmetology establishment credential in the State of Wisconsin.

7. 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 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 violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.

3. By the conduct described in the Findings of Fact, L-J Inhairitance LLC violated Wis. Stat. § 454.08(6) and Wis. Admin. Code §§ Cos 2.06 (5) and 3.02(1) by operating the establishment without a licensed manager.

4. As a result of the above violations, Respondent 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 VOLUNTARY SURRENDER of the Cosmetology Establishment credential of Respondent Sports Clips (license number 36268-80) is hereby ACCEPTED.

3. Respondent Sports Clips shall not practice as a cosmetology establishment in the State of Wisconsin without being licensed in Wisconsin.

4. In the event that Respondent Sports Clips seeks to reinstate the credential under the ownership of L-J Inhairitance LLC or its successors, it may not do so prior to two (2) years from the date of this Order and shall submit a new application for licensure and meet all requirements for licensure then existing at the time of the request.

5. Should Respondent seek to reinstate this credential or apply for any other credential as a cosmetology establishment under the ownership of L-J Inhairitance LLC or its successors, the Wisconsin Cosmetology Examining Board may, in its sole discretion, determine whether, and under what circumstances, a license may be issued.

6. If Respondent ever seeks to reinstate the license or applies for any other credential as a cosmetology establishment under the ownership of L-J Inhairitance LLC or its successors, Respondent shall pay the costs of investigating and prosecuting this matter, in the amount of \$493.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53707-7190
Telephone (608) 267-3817, Fax (608) 266-2264

7. The citations for administrative forfeiture previously issued to Respondent Sports Clips (credential number 36268-80) on January 7, 2015, are hereby rescinded.

8. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Board may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Meraldine L. Reuter
A Member of the Board

April 5 - 2015
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

| | | |
|-------------------------------|---|-------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | STIPULATION |
| SPORTS CLIPS, | : | |
| RESPONDENT. | : | 0003861 |

Division of Legal Services and Compliance Case No. 13 BAC 119

Respondent Sports Clips 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.

Linda Trochle
Sports Clips, Racine, WI, Respondent
By L-J Inheritance, Owner
211 E. Larson Lane
Oak Creek, WI 53154
Credential No. 36268-80

3/20/2015
Date

Pamela M. Stach
Pamela M. Stach, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/23/15
Date