

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
THE SALON PROFESSIONAL ACADEMY,	:	
RESPONDENT.	:	0004052

Division of Legal Services and Compliance Case No. 13 RBC 008

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

The Salon Professional Academy
3701 80th Street, Suite B
Kenosha, WI 53142

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent The Salon Professional Academy is licensed in the State of Wisconsin as a School of Barbering or Cosmetology having license number 122-87, first issued on August 8, 2007 and current through March 31, 2017. The Salon Professional Academy's most recent address on file with the Department is 3701 80th Street, Suite B, Kenosha, Wisconsin 53142.

2. On March 30, 2011, the Department disciplined Respondent for various sanitation violations. Respondent was reprimanded and ordered to pay a \$300 forfeiture as well as the costs of the Department's investigation.

3. On August 9, 2012, a student signed an agreement to enroll in Respondent's cosmetology educational program. The course period was to begin on October 22, 2012 and end on November 21, 2013.

4. On May 24, 2013, the student terminated her enrollment agreement. At that time, she had completed 891 hours of the full 1800 hours of course instruction, which was slightly less than 50% of the total period of course instruction.

5. Per Respondent's refund policy, Respondent assessed the student the following charges: \$14,000 in tuition (which was 70% of the total tuition for the course of instruction), a \$150 cancellation fee, a \$50 application fee, a \$150 registration fee, and a \$1,000 fee for books and kit.

6. Respondent neither admits nor denies the allegations and does not admit to liability. However, in the interest of resolving this matter, Respondent consents to the entry of this Final Decision and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.64, 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 § SPS 62.07(2)(c) by implementing a refund policy which permitted a charge to the student which exceeded \$150 plus the amount shown on the "Partial Refund Chart," in Table 62.07(2).

3. As a result of the above violation, The Salon Professional Academy is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b)3. and (c).

ORDER

1. The attached Stipulation is accepted.

2. Respondent The Salon Professional Academy is REPRIMANDED.

3. Within 90 days from the date of this Order, The Salon Professional Academy shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$450.

4. 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 Department 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 costs and forfeiture as ordered and as set forth above, Respondent's license (no. 122-87) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:



Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

Date

6/9/15

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
THE SALON PROFESSIONAL ACADEMY,	:	
RESPONDENT.	:	0004052

Division of Legal Services and Compliance Case No. 13 RBC 008

Respondent The Salon Professional Academy 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 Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department'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 that the Department adopt this Stipulation and issue the attached Final Decision and Order.


The Salon Professional Academy, Respondent
by: Authorized Representative
3701 80th Street, Suite B
Kenosha, WI 53142
License no. 122-87

6-3-15
Date


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

6-8-15
Date