

## 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

LYNN M. MORITZ,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

0004514

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Division of Legal Services and Compliance Case No. 14 BAC 031

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

Lynn M. Moritz  
4212 S. 91<sup>st</sup> Pl.  
Greenfield, WI 53228

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

Three citations were issued in this matter on 08/17/2015 and 10/21/2015. Respondent requested a hearing in response to the citations. Prior to the hearing on the citations, the parties have agreed 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 Lynn M. Moritz (DOB 08/22/1970) is licensed in the State of Wisconsin as a cosmetology manager, having license number 28471-81, first issued on 10/09/2000 and current through 03/31/2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4212 S. 91<sup>st</sup> Pl., Greenfield, Wisconsin 53228.

2. Respondent is identified in Department records as the owner and manager of St. Moritz Salon, a cosmetology establishment having license number 42531-80, first issued on

08/31/2015 and current through 03/31/2017. St. Moritz Salon's most recent address on file with the Department is 3955 North Prospect Avenue, Shorewood, Wisconsin 53211. St. Moritz Salon has been operating as a cosmetology establishment since 2013.

3. On 08/12/2015, an inspection of St. Moritz Salon was conducted by a Department investigator. During the inspection the investigator noted the following:

- a. St. Moritz Salon was not a licensed cosmetology establishment. An investigator observed an employee cutting hair for compensation during the inspection and St. Moritz Salon was open for business.
- b. Respondent leased a booth in St. Moritz Salon to an individual (CR), who was not properly licensed. CR admitted to her unlicensed practice.
- c. St. Moritz Salon did not have a manager on duty at the time of the inspection nor was there a manager on record with the Department.
- d. Hair clippings were found inside several drawers of work stations.
- e. Hair was found in the drain of a shampoo basin.

4. On 08/17/2015, a Department investigator mailed Respondent notice of the violations uncovered during the 08/12/2015 inspection. Included with the notice of violations was a "Notice of Compliance" form.

5. Respondent failed to return the executed Notice of Compliance within five days.

6. 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, Lynn M. Moritz violated Wis. Admin. Code § Cos 2.045(1) by providing personal care services outside of a licensed establishment.

3. By the conduct described in the Findings of Fact, Lynn M. Moritz violated Wis. Admin. Code § Cos 2.04(1) by assisting in unlicensed practice of cosmetology.

4. By the conduct described in the Findings of Fact, Lynn M. Moritz violated Wis. Admin. Code § Cos 3.05(2) by failing to respond within five (5) days to a notice of a violation.

5. As a result of the above violations, Lynn M. Moritz is subject to discipline pursuant to Wis. Stat. § 454.15(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Lynn M. Moritz shall pay a FORFEITURE in the amount of \$2,000, pursuant to the following schedule:

<u>Payment Date</u>	<u>Amount</u>
02/15/2016	\$500
05/15/2016	\$500
08/15/2016	\$500
11/15/2016	\$500

3. 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

4. In the event Respondent fails to timely submit payment of the forfeiture as ordered, Respondent's license (no. 28471-81), or Respondent's right to renew her license, 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

A Member of the Board



Date

2/1/2016

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LYNN M. MORITZ,  
RESPONDENT.

STIPULATION

0004514

Division of Legal Services and Compliance Case No. 14 BAC 031

Respondent Lynn M. Moritz and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. Three citations were issued in this matter on August 17, 2015 and October 21, 2015. Respondent requested a hearing in response to the citations. Prior to the hearing on the citations, the parties have agreed to the terms and conditions of this Stipulation as the final disposition of this matter.

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. Respondent is represented by Jacob E. Miota.


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.

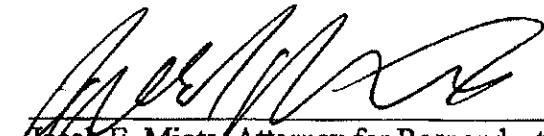
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

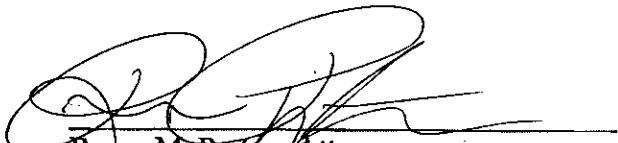
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Lynn M. Moritz, Respondent  
4212 S. 91<sup>st</sup> Pl.  
Greenfield, WI 53228  
License no. 28471-81

1-8-16  
Date

  
Jacob E. Miota, Attorney for Respondent  
Miota Law LLC  
1400 E. Olive Street  
Shorewood, WI 53211

1/8/16  
Date

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

1/8/2016  
Date