

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 :
: FINAL DECISION AND ORDER
JENNIFER L. RISTOW, :
RESPONDENT. :

0004627

Division of Legal Services and Compliance Case No. 15 BAC 054

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

Jennifer L. Ristow
4708 Fox Grove Road
Sheboygan, WI 53081

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 Jennifer L. Ristow (DOB December 13, 1980) is licensed by the State of Wisconsin as an aesthetician, having license number 2498-86, first issued on October 8, 2010, and current through March 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4708 Fox Grove Road, Sheboygan, Wisconsin 53081.

2. On March 7, 2015, Respondent performed an eyebrow wax on a customer at Reflections Spa Blue Harbor Resort, a Wisconsin licensed cosmetology establishment.

3. Before applying the wax to the customer's eyebrow, Respondent tested the temperature of the wax on her arm.

4. When Respondent applied the wax to the customer's eyebrow, the customer immediately felt a burning sensation.

5. Respondent then applied a wax strip to the customer's eyebrow. When Respondent removed the wax strip, she also removed a layer of skin from the customer's eyelid.

6. Respondent gave the customer an ice cold compress and obtained assistance from other Reflections Spa Blue Harbor Resort employees, who applied an antibiotic dressing.

7. The customer presented to her physician and was diagnosed with a second degree burn on the affected area.

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, Respondent violated Wis. Admin. Code § Cos 2.03(1) by failing to perform services in a manner that is consistent with basic and accepted practice standards.

3. As a result of the above violation, Jennifer L. Ristow is subject to discipline pursuant to Wis. Stat. §§ 454.12(1) and 454.15(2)(c) and (i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jennifer L. Ristow is REPRIMANDED.

3. The aesthetician license issued to Jennifer L. Ristow (license number 2498-86) is LIMITED as follows:

a. Respondent shall not perform any waxing services until she has successfully completed four (4) hours of training or education in the topic of waxing offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the training or education.

b. Respondent shall submit proof of successful completion of the ordered training or education in the form of verification from the institution providing the training or education to the Department Monitor at the address stated below.

None of the training or education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered training or education.

4. The aesthetician license issued to Jennifer L. Ristow (license number 2498-86) is further LIMITED as follows:

a. Beginning on the date the limitation described in paragraph 3 above is lifted, Respondent shall perform waxing services only under the direct supervision of a Wisconsin licensed cosmetology manager or aesthetician.

b. The supervisor shall be present for and oversee all waxing performed by Respondent and shall verify Respondent performs all waxing in accordance with basic and accepted practice standards and in accordance with all state statutes, Board rules and local codes and ordinances.

c. This limitation shall be removed after Respondent has performed three (3) waxing services under the direct supervision of a Wisconsin licensed cosmetology manager or aesthetician, as set forth in paragraphs 4.a. and 4.b. above.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$685.

6. Proof of successful completion of the training or education and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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. In the event Respondent fails to timely submit payment of the costs as ordered or fails to timely submit proof of successful completion of the training or education as set forth above, Respondent's license (number 2498-86), 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 costs and completion of the training or education.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Vicki McNally
A Member of the Cosmetology Examining Board

4/4/12
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER L. RISTOW,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0004627

Division of Legal Services and Compliance Case No. 15 BAC 054

Respondent Jennifer L. Ristow 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.

Jennifer L. Ristow
Jennifer L. Ristow, Respondent
4708 Fox Grove Road
Sheboygan, WI 53081
License no. 2498-86

2-22-2016
Date

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

2/22/16
Date