

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
MARY JO GOLD, :
RESPONDENT. :

0005280

Division of Legal Services and Compliance Case No. 16 BAC 061

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

Mary Jo Gold
5996 County Road E
Abrams, WI 54101-9740

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 Mary Jo Gold (DOB April 16, 1948) is licensed by the State of Wisconsin as a Cosmetology Manager, having license number 12334-81, first issued on October 3, 1973 and expired on April 1, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5996 County Road E, Abrams, Wisconsin 54101-9740.

2. On August 8, 2016, the Department received a complaint alleging that G.H. had received a permanent from Respondent in a shop in G.H.'s apartment building, and had paid Respondent \$42 for the service. Division of Legal Services and Compliance Case No. 16 BAC 061 was subsequently opened for investigation.

3. On October 18, 2016, the Department sent a letter to Respondent's address of record, requesting that she respond to the allegations in the complaint, including the allegation of providing cosmetology services with an expired license.

4. On November 3, 2016, Respondent responded and admitted that she had performed a permanent on G.H.

5. On November 3, 2016, the Department sent a letter to Respondent's address of record stating that her license had expired in 2015, asking her for the name of the establishment and license number where the services took place, and whether Respondent intends to renew her license.

6. On November 18, 2016, Respondent responded with the address of a previous employer, however, Department records do not list an establishment license for the address provided by Respondent.

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 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her Cosmetology Manager license through March 31, 2020.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § Cos 2.04(1) by participating in the unlicensed practice of cosmetology.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 2.045(1) and 3.01(1) by practicing cosmetology outside the confines of a licensed establishment.

5. By the conduct described in the Findings of Fact, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Mary Jo Gold's right to renew her Cosmetology Manager license (number 12334-81) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of her right to renew her Cosmetology Manager license and her right to practice cosmetology in the state of

Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice cosmetology in the state of Wisconsin.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: *Vicki A. McElally*
A Member of the Board

04/24/17
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY JO GOLD,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005280

Division of Legal Services and Compliance Case No. 16 BAC 061

Respondent Mary Jo Gold 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.

Mary Jo Gold
Mary Jo Gold, Respondent
5996 County Road E
Abrams, WI 54101-9740
License no. 12334-81

Feb 10, 17
Date

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

2.14.17
Date