

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
SARAI N. GILLMORE AND :
SALON ON SIXTH, :
RESPONDENTS. : **ORDER 0008C 16**

Division of Legal Services and Compliance Case No. 19 BAC 003

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

Sarai N. Gillmore
Kenosha, WI 53140

Salon on Sixth
Kenosha, WI 53140

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. Sarai N. Gillmore (Respondent Gillmore), (Birth Year 1977) is licensed by the State of Wisconsin as a cosmetologist, having license number 76861-82, first issued on July 15, 1997 and current through March 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Kenosha, Wisconsin 53140.

2. Salon on Sixth (Respondent Establishment) is licensed by the State of Wisconsin as a manicuring establishment, having license number 41163-80, first issued on April 1, 2014 and current through March 31, 2023. Respondent's most recent address on file with the Department is in Kenosha, Wisconsin 53140.

3. Respondent Sarai N. Gillmore is identified in Department records as the responsible licensee in charge of Respondent Salon on Sixth.

Prior Discipline

4. On September 30, 2014, Respondent Gillmore was reprimanded (Order 0003440) for not practicing within a licensed establishment in violation of Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 2.045(1) and 3.01(1) and for hair clippings in workstations and stylist hairbrushes in violation of Wis. Admin. Code §§ Cos 3.01(1) and 4.01(1). She was ordered to pay costs and a forfeiture.

5. On January 23, 2015, the Cosmetology Examining Board suspended Respondent Gillmore's cosmetology manager's license because she failed to pay the forfeiture and costs.

6. On June 12, 2015, Respondent Gillmore's cosmetologist manager license was returned to full status after successfully complying with the terms of Order 0003440.

19 BAC 003

7. On January 16, 2019, the Department received a complaint alleging that at Respondent Establishment, the garbage containers were filthy, towels were not kept in a closed container, insects crawled on the walls, hair implements were not cleaned after each client, and there was black mold growing in the basement. The complaint also alleged that the salon and workstations were always dirty and the floor always had hair that had not been swept up. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 BAC 003 for investigation.

8. On July 11, 2019, a Department Investigator conducted an inspection of Respondent Establishment at 12:15 p.m. During the inspection, the Investigator observed the following violations:

- a. No practitioners' licenses were posted in the establishment in violation of Wis. Stat. § 454.06(7).
- b. No prices or signage which states "all establishment patrons have the right to be informed of the cost of services before the services are provided" were posted in the establishment in violation of Wis. Admin. Code § Cos 2.05(2).
- c. Bottles of bleach and Barbicide were unsecured in an area that is not marked as for employees only. The area was separated from the rest of the establishment by a floor-length black curtain that was closed in violation of Wis. Admin. Code § Cos 3.01(6).

9. During the investigation, the Department investigator noticed a pedicure chair next to an open closet that contained several clear containers of nail polish and manicuring instruments. The chair was plugged in with a laundry basket on top of the chair and the bowl of the chair was dirty.

10. On July 15, 2019, the Investigator found that two of the salon employees did not have licenses.

11. A search of Salon on Sixth showed that the website is no longer active. Respondent Establishment's booking website does not allow for appointments to be scheduled with a few of the stylists. According to the Department records, two additional stylists listed on the website have not applied for or been issued credentials.

12. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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, Respondents violated Wis. Admin. Code § Cos 2.05(2) for the establishments' failure to post a list of costs of services in a conspicuous place or display a sign which states "all establishment patrons have the right to be informed of the cost of services before the services are provided."

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 2.04(1) by allowing licensees to assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 3.01(1) by failing to keep establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments in good repair and maintained in an orderly and sanitary condition.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 3.01(6) by failing to provide safe and secure areas for storing, cleaning, and disinfecting equipment. Poisonous substances in public areas shall be locked in a cabinet or closet, with the exception of over-the-counter products used for room deodorizing. These products shall be kept in an elevated location out of the reach of children.

6. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos. 4.01(1) by failing to maintain all areas of an establishment, or the area of practice outside of an establishment in accordance with the applicable standards, and the equipment, tools, and implement used by licensees in a clean, sanitary, and safe condition.

7. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 454.06(7) for failing to post licensing certificate in a conspicuous place in the licensed establishment.

8. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(c) and (i), and § 454.15(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Sarai N. Gillmore is REPRIMANDED.
3. Respondent Salon on Sixth is REPRIMANDED.
4. Within ninety (90) days from the date of this Order, Respondent Sarai N. Gillmore shall pay one-half of a FORFEITURE in the amount of \$850.00 and the one-half of the COSTS of this matter in the amount of \$609.00. The total amount due under this paragraph is \$1,459.
5. Within ninety (90) days from the date of this Order, Respondent Salon on Sixth shall pay one-half of a FORFEITURE in the amount of \$850.00 and the one-half of the COSTS of this matter in the amount of \$609.00. The total amount due under this paragraph is \$1,459.
6. Respondents shall pay the costs and forfeiture in the amount of \$2,918 according to the following payment schedule:
 - a. Within 90 days from the date of this Order, Respondents shall make a payment of \$750.
 - b. Within 120 days from the date of this Order, Respondents shall make a payment of \$750.
 - c. Within 150 days from the date of this Order, Respondents shall make a payment of \$750.
 - d. Within 180 days from the date of this Order, Respondents shall pay the entire remaining balance of the costs and forfeiture in this matter.
7. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondents may also submit this information online at: <https://dspsmonitoring.wi.gov/>

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 76861-82 and 41163-80), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in

the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Megan Jackson
A Member of the Board

6/13/2022
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SARAI N. GILLMORE AND
SALON ON SIXTH,
RESPONDENTS.

:
:
:
:
:
:

STIPULATION

ORDER 0008C 16

Division of Legal Services and Compliance Case No. 19 BAC 003

Respondents Sarai N. Gillmore, Salon on Sixth, 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the 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. Respondents waive 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 Respondents, 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.

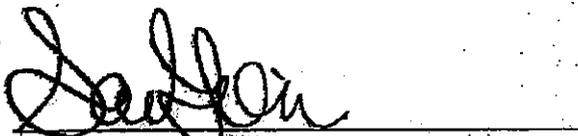
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



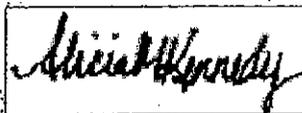
Sarah N. Gillmore, Respondent
Kenosha, WI 53140
Credential No. 76861-82

28 MAR 22
Date



Salon on Sixth, Respondent
By: Sarah N. Gillmore, Responsible Licensee
Kenosha, WI 53140
Credential No. 41163-80

28 MAR 22
Date



Alicia M. Kennedy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/7/2022
Date