

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### **Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ACADEMY OF BEAUTY PROFESSIONALS,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER

:  
: **ORDER 0008054**

---

Division of Legal Services and Compliance Case No. 18 RBC 002

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

Academy of Beauty Professionals  
Green Bay, WI 54303

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

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

FINDINGS OF FACT

1. Respondent Academy of Beauty Professionals is licensed by the State of Wisconsin as a school of cosmetology, having license number 185-87, first issued on April 28, 2021 and current through March 31, 2023.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Green Bay, Wisconsin 54303.
3. On August 24, 2021, the Department conducted an inspection of Respondent. The inspection revealed the following issues:

- a. The tile floor portion of the school contained hair, hair clippings and other debris away from workstations that were actively being used. The wooden floor portion of the school was pitted and appeared dirty.
- b. Various cleaners and disinfectants were scattered throughout the school. Not all cleaners and disinfectants were located at workstations or in locations that could be locked/marked as not for the public.
- c. Other surfaces in the establishment appeared stained/dirty such as some of the silver carts, the shelf behind the hair washing basins, the sink, and the wall behind the sink. A vent in the room by the entrance of the establishment was very dusty.
- d. Instruments in the public area of the establishment used for mixing and applying hair coloring were not in a covered container. An emery board and palates used for pedicures were left uncovered. A palate with lotion was left uncovered by one of the pedicure bowls. Hair curlers were left uncovered. Curling irons and other heated hair instruments were left uncovered. Clean bowls for mixing hair coloring, clips, combs, and brushes were left uncovered by the sink. An emery board and a nail brush at the front of the establishment appeared clean but were left sitting on a counter.
- e. The washing machine by the cubby was running with a container of laundry detergent pods nearby. The pods did not contain bleach, and no bleach was obvious.

4. On September 20, 2021, the Department emailed Respondent and asked them to address the issues revealed in the inspection.

5. On October 4, 2021, Respondent emailed the Department photos showing that the sanitary issues revealed in the inspection had been addressed.

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 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 62.11(1)(g) by violating Wis. Stat. Ch. 440, subch. V, or Wis. Stat. Ch. 454 in the operation of a school or specialty school or establishment associated with a school or specialty school.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 3.01(4) by failing to keep all floor coverings in an establishment in a clean, orderly and safe condition, and failing to regularly remove loose hair and place it in a closed container.

4. 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, and failing to store poisonous substances in public areas in a locked cabinet or closet.

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

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 4.01(5) by failing to drain shampoo bowls and basins after each use and keep them in a sanitary and safe condition.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 4.02(4) by failing to place clean and disinfected contact equipment in covered containers, and failing to provide separate containers for the immediate storage of soiled contact equipment until cleaned and disinfected.

8. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 4.02(6) by failing to disinfect laundry with a solution containing a germicidal compound.

9. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b)3.

10. As a result of the above violations, Respondent is subject to a forfeiture pursuant to Wis. Stat. § 440.64(3)(c).

#### ORDER

1. The attached Stipulation is accepted.

2. Within fourteen (14) days from the date of this Order, Respondent Academy of Beauty Professionals shall pay a FORFEITURE in the amount of \$600.00.

3. Payment of forfeiture (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

4. In the event Respondent violates any term of this Order, Respondent's license (number 185-87), or Respondent's right to renew its license, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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.

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

WISCONSIN WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: W. Bohmeyer, Chief Legal 7/25/2022  
A Member of the Department Counsel Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ACADEMY OF BEAUTY PROFESSIONALS,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0008054**

---

Division of Legal Services and Compliance Case No. 18 RBC 002

Respondent Academy of Beauty Professionals and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

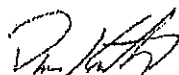
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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. Respondent is represented by Attorney John F. Mayer.
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.

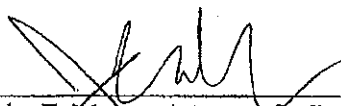
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

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.

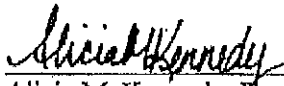
8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Academy of Beauty Professionals, Respondent  
Green Bay, WI 54303  
Credential No. 185-87

5/6/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John F. Mayer, Attorney for Respondent  
Mayer, Graff & Wallace LLP  
1425 Memorial Drive, Suite B  
Manitowoc, WI 54220

5-6-22  
\_\_\_\_\_  
Date

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

05/06/2022  
\_\_\_\_\_  
Date