

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

ANN HEICKLEY,
RESPONDENT.

:
: ADMINISTRATIVE INJUNCTION
:
: **ORDER 0008558**

Division of Legal Services and Compliance Case No. 20 UNL 113 (BAP)

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

Ann Heickley
La Crosse, WI 54601

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin 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 adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Ann Heickley is not and has never been licensed as a tattooist in the State of Wisconsin.

2. On September 12, 2020, the Department received a complaint alleging that Respondent provided unlicensed tattooing to minors in a residence. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 UNL 113 (BAP) for investigation.

3. The complaint stated that Respondent tattooed two of her nephews, who were both minors, in La Crosse, Wisconsin in August 2020.

4. On March 31, 2022, the Department contacted Respondent to request a response to the complaint.

5. On April 13, 2022, Respondent admitted that she performed the tattooing, and stated that "it was just a fun family thing we did on that date." Respondent further explained that she does not tattoo anymore.

6. Respondent agrees to resolve this matter with the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 221.10(1)(b)3. by tattooing individuals under the age of 18.

3. The conduct described above constitutes unlicensed practice as a tattooist, contrary to Wis. Stat. § 463.10(3) and Wis. Admin. Code § SPS 221.04(1)(b).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a tattooist by the Department, Respondent is enjoined and prohibited from practicing as a tattooist, or using any title or designation which represents or may tend to represent that Respondent is licensed as a tattooist in the State of Wisconsin.

3. Respondent shall provide a copy of this Administrative Injunction with any application submitted by Respondent for a credential issued by the Department.

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations to the appropriate prosecutorial unit for review for criminal charges.

5. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 18th day of May 2023.

By: Aloysis Rohmeyer
Aloysis Rohmeyer, Chief Legal Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

ANN HEICKLEY,
RESPONDENT.

STIPULATION

ORDER 0008558

Division of Legal Services and Compliance Case No. 20 UNL 113 (BAP)

Respondent Ann Heickley 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.
5. 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in

support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction 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 Administrative Injunction.

ann m heickely
Ann Heickley, Respondent
Lacrosse, WI 54601

Jon Derenne
Jon Derenne, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

24APR2023

Date

5/2/2023

Date