

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

DEVIN M. FOWLER AND
PERFECT PEACHES,
RESPONDENTS.

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ADMINISTRATIVE
INJUNCTION

ORDER 0008599

Division of Legal Services and Compliance Case No. 21 UNL 112 (COS)

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

Devin M. Fowler
McFarland, WI 53558

Perfect Peaches
Madison, WI 53714

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

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707

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 and Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Devin M. Fowler (Birth Year 1984) is not currently, nor has she ever been, licensed as a cosmetologist or an aesthetician in Wisconsin.

2. Respondent Perfect Peaches is not currently, nor has it ever been, licensed as a cosmetology or aesthetics establishment in Wisconsin.

3. On December 1, 2021, the Department received a complaint alleging that Respondent Fowler had performed waxing services that Complainant believed did not meet professional standards.

4. A search of the Wisconsin Department of Financial Institution's online corporate records database indicates that Perfect Peaches was incorporated in 2015 with Devin M. Fowler as its registered agent.

5. Online research uncovered a Facebook page for Perfect Peaches where it claimed to be a full-service salon as of April 13, 2017.

6. On April 21, 2022, Respondent Fowler replied to the complaint on behalf of Respondents. She admitted that she provided waxing services between approximately February 2020 and December 2021. Her business was called Perfect Peaches and was operated out of a space she had leased in another salon. She denies Complainant's allegations are true.

7. Respondent Fowler also stated that she was under the belief that she could provide waxing services as an apprentice of the salon owner. A review of Department records indicate that Respondent has never applied for nor held an apprentice credential.

8. Respondent Fowler stated that she is no longer offering waxing services and has no plans to do so in the future.

9. Respondents agree to resolve this matter with the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes the unlicensed practice of cosmetology pursuant to Wis. Stat. § 454.04(1)(a).

3. The conduct described above constitutes the unlicensed practice of aesthetics pursuant to Wis. Stat. § 454.04(1)(b).

4. The conduct described above constitutes the practice of an unlicensed cosmetology and aesthetics establishment pursuant to Wis. Stat. § 454.08(1)(b).

ORDER

1. The attached stipulation is accepted.
2. Respondent Fowler is enjoined and prohibited from providing or offering to provide any cosmetology services, as defined under Wis. Stat. § 454.01 in this state unless and until she is properly licensed to do so.
3. Respondent Perfect Peaches is enjoined and prohibited from providing or offering to provide any cosmetology services, as defined under Wis. Stat. §§ 454.01 unless and until it has been properly licensed as an establishment.
4. Respondents shall provide a copy of this Administrative Injunction with any application submitted by Respondents for a credential issued by the Department.
5. If the Department determines that there is probable cause to believe the Respondents have violated any terms of this Administrative Injunction, the Department may refer the violations to the appropriate prosecutorial unit for review for possible criminal charges.
6. A 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 29th day of June 2023.

Aloysius Rohmeyer

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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

DEVIN M. FOWLER AND
PERFECT PEACHES,
RESPONDENTS.

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STIPULATION

ORDER 0008599

Division of Legal Services and Compliance Case No. 21 UNL 112 (COS)

Respondents Devin M. Fowler and Perfect Peaches 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.

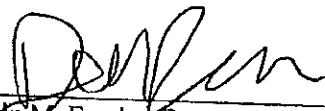
4. Respondents agree to the adoption of the attached Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

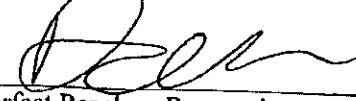
5. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

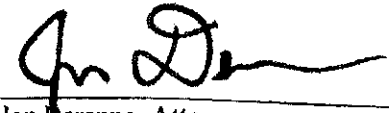
6. The parties to this Stipulation agree that the attorney for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

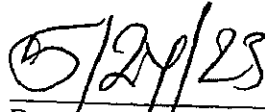
7. Respondents are informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

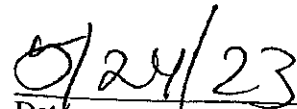
8. The Division of Legal Services and Compliance joins Respondents in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.

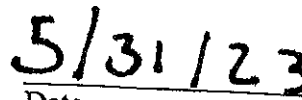

Devin M. Fowler, Respondent
McFarland, WI 53558


Perfect Peaches, Respondent
By: Devin M. Fowler, Responsible Licensee
Madison, WI 53714


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


Date


Date


Date