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## VIRTUAL/TELECONFERENCE MEETING

### COSMETOLOGY EXAMINING BOARD

**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**March 2, 2015**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

### AGENDA

#### 9:30 AM

#### OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of February 02, 2015 (4-7)**
- C. Administrative Matters**
  - 1) Staff Updates
- D. Legislative and Administrative Rule Matters - Discussion and Consideration**
  - 1. Review Preliminary Draft Rule Regarding Cos 5 Course of Instruction **(8-14)**
  - 2. Review Preliminary Draft Rule Regarding Cos 1 to 11 Cosmetology Schooling Licensure and Practice Requirements **(15-25)**
  - 3. **APPEARANCE-** Doug Schoon **(26-29)**
- E. Informational Items**
  - 1. Surrounding States Laws **(30-40)**
  - 2. Nail Reference Material **(41-50)**
- F. Deliberation on Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Education and Examination Matters
  - 4) Credentialing Matters
  - 5) Practice Matters
  - 6) Legislation/Administrative Rule Matters
  - 7) Liaison Reports
  - 8) Disciplinary Matters
  - 9) Presentations of Petitions for Summary Suspension
  - 10) Presentation of Proposed Stipulations, Final Decisions and Orders
  - 11) Presentation of Proposed Decisions
  - 12) Presentation of Interim Orders

- 13) Petitions for Assessments
- 14) Petitions to Vacate Orders
- 15) Petitions for Designation of Hearing Examiner
- 16) Requests for Disciplinary Proceeding Presentations
- 17) Motions
- 18) Petitions
- 19) Appearance from Requests Received or Renewed
- 20) Speaking Engagement(s), Travel, or Public Relation Request(s)

**G. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**H. Case Closings**

1. 13 BAC 096 M.M.D. **(51-55)**
2. 13 BAC 151 SSRS; S.R.R; K.T.F; K.S.I. **(56-59)**
3. 14 BAC 056 G.C., C.L.G. **(60-63)**
4. 14 BAC 077 K.E. **(64-67)**

**I. Proposed Stipulation and Final Decision and Order**

1. 13 BAC 096 M.M.D. **(68-73)**
2. 13 BAC 096 S.A.G. **(74-79)**

**J. Proposed Stipulation, Final Decision and Order of Default**

1. 13 BAC 135 D.H.N; H.N **(80-86)**

**K. Case Status Report**

**L. Deliberation of Items Added After Preparation of the Agenda**

- 1) Monitoring Matters
- 2) Administrative Warnings
- 3) Review of Administrative Warnings
- 4) Proposed Stipulations, Final Decision(s) and Order(s)
- 5) Proposed Final Decisions and Orders
- 6) Orders Fixing Costs/Matters Related to Costs
- 7) Petitions for Summary Suspension
- 8) Petitions for Re-hearings
- 9) Complaints
- 10) Case Closings
- 11) Education and Examination Matters
- 12) Credentialing Matters
- 13) Application Issues and/or Reviews
- 14) Appearances from Requests Received or Renewed
- 15) Motions
- 16) Citations

**M. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

**ADJOURNMENT**

## VICE CHAIR

**NOMINATION:** Kristin Allison nominated Vicky McNally for the Office of Vice Chair.  
Nomination carried by unanimous consent.

Brittany Lewin called for other nominations three (3) times.

Vicky McNally was elected as Vice Chair.

## SECRETARY

**NOMINATION:** Vicky McNally nominated Kristin Allison for the Office of Secretary.  
Nomination carried by unanimous consent.

Brittany Lewin called for other nominations three (3) times.

Kristin Allison was elected as Board Secretary.

<b>2015 OFFICER ELECTION RESULTS</b>	
<b>Board Chair</b>	<b>Geraldine Reuter</b>
<b>Vice Chair</b>	<b>Vicky McNally</b>
<b>Secretary</b>	<b>Kristin Allison</b>

## APPOINTMENT OF LIAISONS

<b>2015 LIAISON APPOINTMENTS</b>	
<b>DLSC Monitoring and PAP Liaison(s)</b>	<b>Lori Paul</b>
<b>Credentialing Liaison(s)</b>	<b>Vicky McNally</b>
<b>Education and Exams Liaison(s)</b>	<b>Kristin Allison</b> <i>Alternate: Vicky McNally</i>
<b>2015 SCREENING PANEL APPOINTMENTS</b>	
<b>January-December 2015</b>	<b>Vicky McNally</b> <b>Gail Sengbusch</b>

**MOTION:** Gail Sengbusch moved, seconded by Dianna Wachter, to recognize the election of Officers and affirm the Chair's appointment of Liaisons and Screening Panel for 2015. Motion carried unanimously.

## DELEGATED AUTHORITIES

**MOTION:** Kristin Allison moved, seconded by Lori Paul, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or

longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Kristin Allison moved, seconded by Lori Paul, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

**MOTION:** Vicky McNally moved, seconded by Kristin Allison, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

**MOTION:** Lori Paul moved, seconded by Vicky McNally, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as amended. Motion carried unanimously.

**MOTION:** Gail Sengbusch moved, seconded by Dianna Wachter, delegates the Department Chief Legal Counsel or designee to make the final decision and approve citations. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Kristin Allison moved, seconded by Lori Paul, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Geraldine Reuter read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristin Allison – yes; Vicky McNally – yes; Lori Paul – yes; Geraldine Reuter – yes; Gail Sengbusch – yes; Dianna Wachter – yes. Motion carried unanimously.

The Board convened into closed session at 11:05 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Kristin Allison moved, seconded by Vicky McNally, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 11:31 a.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**MOTION:** Lori Paul moved, seconded by Kristin Allison, to affirm all motions made in closed session. Motion carried unanimously.

## MONITORING MATTERS

### ANGELA GRUBER – PETITION FOR PAYMENT PLAN

**MOTION:** Lori Paul moved, seconded by Gail Sengbusch, to grant the request of Angela Gruber for a payment plan of \$200.00 per month until paid in full. Failure to timely submit payments will result in immediate suspension as in the original order dated April 1, 2013. In order to lift the suspension the Respondent must become compliant and up to date with the payment terms of the order. Motion carried unanimously.

## CITATIONS

**MOTION:** Vicky McNally moved, seconded by Kristin Allison, to close the following case(s) according to the citation(s) by the Division of Legal Services and Compliance:

- a) 13 BAC 118 (B.J.S. and F.N.)
- b) 13 BAC 120 (A.D.M. and I.B.S.)

Motion carried unanimously.

## PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Lori Paul moved, seconded by Gail Sengbusch, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Cindi R. Sandvick, case 13 BAC 158**. Motion carried unanimously.

**MOTION:** Kristin Allison moved, seconded by Lori Paul, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Kiley J. Semke and Salon Inspired, case 13 BAC 158**. Motion carried unanimously.

**MOTION:** Kristin Allison moved, seconded by Lori Paul, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Martha J. Chavez and Unique Cuts, case 14 BAC 013**. Motion carried unanimously.

## DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS

**MOTION:** Kristin Allison moved, seconded by Lori Paul, to issue an Administrative Warning in the matter of DLSC case number **13 BAC 158 (C.M.P.)**. Motion carried unanimously.

## CASE CLOSINGS

**MOTION:** Lori Paul moved, seconded by Gail Sengbusch, to close the following cases according to the recommendations by the Division Legal Services and Compliance:

- a) 13 BAC 009 (A.N.L.) for Prosecutorial Discretion (P7)
- b) 13 BAC 009 (J.L.) for Prosecutorial Discretion (P2)
- c) 13 BAC 037 (E.D.C.) for No Violation (NV)
- d) 13 BAC 037 (L.I.) for Lack of Jurisdiction (L3)
- e) 13 BAC 045 (A.N., INC., and N.T.L.) for Insufficient Evidence (IE)
- f) 13 BAC 045 (D.H.) for Lack of Jurisdiction (L2)
- g) 14 BAC 013 (M.J.C.) for Prosecutorial Discretion (P3)
- h) 14 BAC 022 (R.K.E. and P.C.) for Insufficient Evidence (IE)
- i) 14 BAC 050 (T.D.H.) for Prosecutorial Discretion (P3)
- j) 14 BAC 051 (B&B) for Prosecutorial Discretion (P7)
- k) 14 BAC 063 (N.N.) for Prosecutorial Discretion (P7)
- l) 14 BAC 082 (M.H.H.) for Prosecutorial Discretion (P2)

Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Dianna Wachter moved, seconded by Kristin Allison, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:32 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Shawn Leatherwood, Legal Associate</b>		2) Date When Request Submitted:  <b>February 18, 2015</b>	
		Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Cosmetology Examining Board</b>			
4) Meeting Date:  <b>March 2, 2015</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Administrative Rule Matters-Discussion and Consideration</b> <ul style="list-style-type: none"> <li><b>Review preliminary draft rule regarding Cos 5 Course of instruction</b></li> </ul>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <p style="margin-left: 20px;"><b>The Board will approve the draft for submitting Cos 5 relating to course of instruction to the Clearinghouse.</b></p>			
11) Signature of person making this request <b>Shawn Leatherwood</b>		Authorization	Date <b>February 18, 2015</b>
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	

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PROPOSED ORDER

An order of the Cosmetology Examining Board to amend Cos 5.01 and to repeal and recreate 5.02 relating to course of instruction.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 454.06 (2) (b), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), Stats. and 2013 Wisconsin Act 356

**Explanation of agency authority:**

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 356 required the reduction of the number of training hours for course of instruction in cosmetology. This change impacted the qualifications for cosmetology licensure. The proposed rule seeks to carry out the mandate of this new legislation by amending Wis. Admin Code. ch. Cos 5.

**Related statute or rule:**

None.

**Plain language analysis:**

2013 Wisconsin Act 356 changed the licensure requirements for cosmetologist by reducing the number of training hours required to successfully complete a cosmetology course of instruction from 1,800 to 1,550 and by adding the requirement that a school of cosmetology be accredited by an accrediting agency approved by the board. This reduction in training hours puts Wisconsin on par with course of instruction requirements

in neighboring states such as Illinois and Michigan. The reduction in training hours will also relieve the burden on in-state applicants seeking a cosmetology practitioner license in neighboring states and will ease the transition of out-of-state applicants seeking to become licensed as a cosmetologist in Wisconsin.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires cosmetology schools to provide 1,500 hours of instruction in cosmetology. 68 Ill. Adm. Code 117.530.

**Iowa:** Iowa requires 2,1000 hours in cosmetology curriculum. 645 IAC 61.14.

**Michigan:** Michigan cosmetology curriculum consists of 1,500 of theory and practical instruction and 1,160 hours in minimum practical application. Mich. Admin. Code R.338.2161.

**Minnesota:** The cosmetology training curriculum consists of 1,550 hours in Minnesota. Minn. R. 2110.0510.

**Summary of factual data and analytical methodologies:**

The methodologies used in developing this rule include reviewing administrative rules from neighboring states and comparing 2013 Wisconsin Act 356 with Wis. Admin. Code ch. Cos 5.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [Eric.Esser@wisconsin.gov](mailto:Eric.Esser@wisconsin.gov), or by calling (608) 266-8608.

**Fiscal Estimate:**

This proposed rule will have minimal or no fiscal impact.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [Tom.Engels@wisconsin.gov](mailto:Tom.Engels@wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Kathleen Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at [Kathleen.Paff@wisconsin.gov](mailto:Kathleen.Paff@wisconsin.gov)

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Kathleen Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to [Kathleen.Paff@wisconsin.gov](mailto:Kathleen.Paff@wisconsin.gov). Comments must be received on or before April 6, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Cos 5.01 is amended to read:

**Cos. 5.01 Courses.** Schools which provide instruction to students for cosmetology practitioner or cosmetology manager licenses or specialty schools which provide instruction to students for aesthetician, electrologist, or manicurist licenses shall develop curricula for instruction which are based on the applicable syllabus approved by the board. A school or specialty school shall not deviate from the hours listed for subjects in the appropriate syllabus included in this section. Schools shall be accredited by any of the following board approved accrediting agencies including the National Accrediting Commission of Career Arts & Sciences (NACCAS), the Accrediting Commission of Career Schools and Colleges (ACCSC), the Council on Occupational Education (COE), the National Interstate Council of State Boards of Cosmetology (NIC) and any other accrediting agency relating to cosmetology that is recognized by the U.S. Department of Education.

SECTION 2. Cos 5.02 (intro.) and Figure 5.02 are repealed and recreated to read:

**Cos. 5.02 Cosmetology practitioner license syllabus.** A syllabus for the practitioner license is shown below in Table 5.02:

Table 5.02

	SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I.	Hygiene, grooming and personal development.	10	0
II.	Bacteriology, sterilization and sanitation.	20	20

III.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts. Tools, equipment and implements (identification and usage).	140	440
IV.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry. Tools, equipment and implements (identification and usage).	185	392
V.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup,	35	60

	eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements (identification and usage).		
VI.	Manicuring, including nail Enhancement. Tools, equipment and implements (identification and usage).	10	25
VII.	Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails	50	0
VIII.	Product knowledge, product use and sales, preparing and consulting with customer for services	30	0
IX.	Laws, rules, professional ethics and history of cosmetology	18	0
X.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid,	40	75

	etc.) (Hours may include structured visits conducted by the school outside of the classroom at one or more cosmetology establishments.).		
	TOTAL HOURS	538	1012

SECTION 2. Pursuant to s. 227.24 (1) (c), Stats., this emergency rule shall take effect upon publication in the official state newspaper.

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 (END OF TEXT OF RULE)  
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Dated \_\_\_\_\_ Agency \_\_\_\_\_

Chairperson  
 Cosmetology Examining Board

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Shawn Leatherwood, Legal Associate</b>		2) Date When Request Submitted:  <b>February 18, 2015</b> <small>Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:  <b>Cosmetology Examining Board</b>			
4) Meeting Date:  <b>March 2, 2015</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Administrative Rule Matters-Discussion and Consideration</b> <ul style="list-style-type: none"> <li>• Review preliminary draft rule regarding Cos 1 to 11 Cosmetology Schooling Licensure and Practice requirements</li> </ul>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <p><b>The Board will discuss proposals for amendments for Cos 1 to 11.</b></p> <p><b>The Board will authorize the chair, or another member of the board, to approve the revisions to Cos 1 to 11 relating to Cosmetology School Licensure and Practice Requirements for posting of the EIA Comments and submission to the Clearinghouse.</b></p>			
11) Signature of person making this request <b>Shawn Leatherwood</b> Supervisor (if required)		Authorization	Date <b>February 18, 2015</b>
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	COSMETOLOGY EXAMINING
COSMETOLOGY EXAMINING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Cosmetology Examining Board to repeal Cos. 1.01 (11e), 1.01 (17) and Cos 3.02 (3);

to amend Cos 1.01 (6m), 2.04 (2), 2.06 (4) and (5), 2.07, 3.01(6) and (10), 3.02 (a) to (c) and (2) (b), 3.04 (2), 3.05 (1), 4.01 (2) and (3), 4.02 (3), 4.02 (6) (Note), 6.04, 7.03 (2), and 7.04, 8.01(2) and 8.02 (intro.), 11.01, 11.03 (5) (b) and (c) 2. and 5.;

to repeal and recreate Cos 9.03;

to create Cos 1.01 (3e), 1.01 (3m), 2.405 (1m), 3.01 (10) (Note), 4.04 (1m), 8.03, 11.04 (1) (e), relating to cosmetology schooling, licensure, and practice requirements.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 454.06 (8m)(d) and 454.08 (1) (a), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), 454.06 (8m)(d), 454.08 (1) (a), Stats., 2011 Wisconsin Act 190

**Explanation of agency authority:**

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and to interpret the statutes it administers. Section 454.06 (8m) (d), Stats., requires the Board to establish, by rule, the limits of minimal cosmetology work for inactive licensees. Section 454.08 (1) (a), Stats., authorizes the Board to promulgate rules providing for cosmetology services outside of licensed cosmetology establishments. The passage of 2011 Wisconsin Act 190 prompted the Board to review all of the regulations concerning cosmetology and undertake a

comprehensive update of the rules making them consistent with the new legislation as well as contemporary industry practices.

**Related statute or rule:**

Wis. Admin. Code Cos. chs. 1 to 11

**Plain language analysis:**

The Cosmetology Examining Board undertook a comprehensive review of the rules governing cosmetology practice in Wisconsin. This review was prompted by the passage of 2011 Wisconsin Act 190 which separated the Barbering and Cosmetology Examining Board, leaving the regulation of cosmetology practice to the Cosmetology Examining Board and transferring the regulation of the practice of barbering to the Department of Safety and Professional Services. This proposed rule deals with the changes made by Act 190 to Wis. Admin. Code chs. 1 to 11, which includes redefining the term manager to cosmetology manager and creating an inactive license classification. Other changes the proposed rule addresses include identifying the settings that are excluded from providing cosmetology services outside of a licensed cosmetology establishment and eliminating the requirement for a separate establishment license for electrologists.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:** Cosmetology managers are not licensed in Illinois. Licensed cosmetologists, cosmetology teachers, or cosmetology clinic teachers may elect to place their license on inactive status. 225 ILCS410/3-7.1. Once a cosmetologist, cosmetology teacher or cosmetology clinic teacher's license is in an inactive status, the licensee may not practice in Illinois. Unlike the Wisconsin provision which allows a licensee to work if the work is minimal. Wis. Stats. §454.06 (8m) (d).

**Iowa:** Iowa does not license cosmetology managers but there are provisions regarding inactive license classification. "A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice cosmetology arts and sciences in Iowa until the license is reactivated." 645 IAC 60.8(6).

**Michigan:** Michigan does not issue a license for cosmetology managers and does not have an inactive licensure classification.

**Minnesota:** Similar to Wisconsin, Minnesota regulates salon managers. Minn. Stat. §155A.23. Minnesota also allows for an inactive license for applicants who have ceased

all practice of cosmetology. An inactive license does not allow a licensee to engage in the practice of cosmetology. Minn. R. 2105.0200

**Summary of factual data and analytical methodologies:**

The methodologies used in drafting the proposed rule was reviewing 2011 Wisconsin Act 190, reviewing neighboring states statutes and rules, and receiving input from the Cosmetology Examining Board.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

**Agency contact person:**

Kathleen Paff, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Kathleen Paff, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. **Comments must be received on or before \* to be included in the record of rule-making proceedings.**

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TEXT OF RULE

SECTION 1. Cos 1.01 (3e) is created to read:

**Cos. 1.01 (3e)** "Cosmetologist" has the meaning given in s. 454.01 (7e), Stats.

SECTION 2. Cos 1.01 (3m) is created to read:

**Cos 1.01 (3m)** "Cosmetology manager" has the meaning given in s. 454.01 (7s), Stats.

SECTION 3. Cos. 1.01 (11e) is repealed.

SECTION 4. Cos. 1.01 (6m) is amended to read:

**Cos. 1.01 (6m)** “Division” means the division of ~~enforcement~~ legal services and compliance in the department of safety and professional services.

SECTION 5. Cos. 1.01 (17) is repealed.

SECTION 6. Cos. 2.04 (2) is amended to read:

**Cos 2.04 (2)** Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. ~~Cos 1 to 9~~ Cos 1 to 11.

SECTION 7. Cos 2.045 (1m) is created to read

**Cos 2.045 (1m)** Licensees shall not perform personal care services in any setting in which a persons is not confined to their home because of illness or disability or an institution. Examples of settings in which personal care services may not take place include on-site wedding parties, adult day care centers, or assisted living facilities.

SECTION 8. Cos 2.06 (4) and (5) are amended to read:

**Cos 2.06 (4)** Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 1. or 454.10 (2), Stats., for credentialing as a practitioner, manager or instructor. Owners shall maintain these records for a minimum of 5 years.

**Cos 2.06 (5)** In the case of an owner of a cosmetology establishment, employ a cosmetology manager who shall have direct authority over the operations of the establishment. If the cosmetology manager of an establishment leaves employment or becomes otherwise unavailable, an owner may continue to operate the establishment for no more than 90 days without a cosmetology manager. The owner shall notify the board that the cosmetology manager is no longer employed or has become otherwise unavailable within 10 days following the cosmetology manager's last day of employment.

SECTION 9. Cos 2.07 is amended to read:

**Cos 2.07 Responsibilities of the cosmetology manager.** (1) The licensed cosmetology manager of a cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. Cos 3 and 4. The cosmetology manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(1g) A cosmetology manager shall train and supervise any apprentices in accordance with s. Cos 6.04 (1) and shall supervise any temporary permit holders and training permit holders.

(1r) The cosmetology manager shall, for a minimum of 5 years, maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 2., or 454.10 (2), Stats., for credentialing as a practitioner, cosmetology manager or instructor.

(2) The cosmetology manager shall post all required licenses, permits and notices.

SECTION 10. Cos 3.01 (6) and (10) are amended to read:

Cos 3.01 (6) Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored 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.

Cos 3.01 (10) Pets Animals shall not be kept in an establishment during business hours, except for service animals.

SECTION 11. Cos 3.01 (10) (Note) is created to read:

Note: Section 106.52 (1) (fm) of the Statutes reads as follows: “ ‘Service animal’ means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

SECTION 12. Cos 3.02 (a) to (c) and (2) (b) is amended to read:

**Cos. 3.02 Other establishment requirements.** (1) COSMETOLOGY MANAGER REQUIRED. The owner of a cosmetology establishment shall not operate the establishment unless a licensed cosmetology manager has been employed for the establishment, subject to the exception for temporary unavailability of a cosmetology manager in s. Cos 2.06 (5). The cosmetology manager shall be responsible for supervising and managing the operation of the establishment. The owner and the cosmetology manager shall ensure that the establishment operates in compliance with ch. 454, Stats., and rules of the board as follows:

(a) The owner of more than one establishment shall employ a sufficient number of cosmetology managers to satisfy the requirement that a cosmetology manager be present full time in each establishment as defined in s. Cos 1.01 (7).

(b) The owner of a cosmetology establishment may satisfy the requirement in this section by employing a cosmetology manager who also works at an establishment owned by a different person, provided the cosmetology manager works full time as defined in s. Cos 1.01 (7) at each establishment where he or she is employed as a cosmetology manager.

(c) A cosmetology manager is required to be present in an establishment full time, as defined in s. Cos 1.01 (7), but if an establishment is open for more than 30 hours per week, the cosmetology manager is not required to be present in the establishment at all times when the establishment is open for business, and the cosmetology manager may be absent for reasonable brief periods during a day.

(2) (b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a cosmetology manager's and an establishment license. ~~Lessees of chairs or booths leased prior to the effective date of this paragraph shall come into compliance with this paragraph by October 1, 2004.~~

SECTION 13. Cos 3.02 (3) is repealed.

SECTION 14. Cos 3.04 (2) and 3.05 (1) are amended to read:

Cos 3.04 (2) The board shall require identification of the owner, business address, cosmetology manager, type of business, and a copy of the floor plan showing dimensions and required equipment, in addition to other information which may be needed to approve the issuance of a license.

**Cos 3.05 Inspections.** (1) Inspections by field representatives or agents of the board may be conducted to assure compliance with ch. 454, Stats., and chs. ~~Cos 1 to 6~~ Cos 1 to 11.

SECTION 15. Cos 4.01 (2) and (3) are amended to read:

Cos 4.01 (2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents with alcohol as an active ingredient with a concentration of at least 70% 60% are an acceptable substitute for washing hands that are not visibly soiled with soap and running water.

Cos 4.01 (3) Powder puffs, and sponges, ~~and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water~~ shall be disposed of following each use.

SECTION 16. Cos 4.02 (3) is amended to read:

Cos 4.02 (3) Disinfection for combs, lifts, brushes, rollers and any other contact equipment shall consist of cleaning with soap and water to remove all organic material, ~~spraying with a tuberculocidal~~ treating with a disinfectant as defined in s. Cos 1.01, and air-drying.

SECTION 17. Cos 4.02 (6) (Note) is amended to read:

Cos 4.02 (6) (Note) Chlorine bleach and Lysol® (brown bottle) are germicidal compounds.

SECTION 18. Cos 4.04 (1m) is created to read:

Cos 4.04 (1m) All establishments shall supply licensees with at least one antiseptic listed in s. Cos 4.05.

SECTION 19. Cos 6.04 is amended to read:

**Cos 6.04 Practical training for apprentices.** (1) (a) The establishment owner with whom an apprentice contracts shall employ a cosmetology manager, whose cosmetology manager's license is not an inactive license, to train and supervise the apprentice, except as provided in pars. (b) and (c). An apprentice shall only work under the supervision of a cosmetology manager, except as provided in pars. (b) and (c).

(b) A cosmetology manager may delegate their supervisory duty to a practitioner who has completed at least 2,000 hours of licensed practice.

(c) A cosmetology manager may delegate their supervisory duty to a barber licensed under ch. 454, Stats., who has completed at least 2,000 hours of licensed practice, but only if the apprentice is a barbering apprentice as referenced in s. 454.22 (1) (c), Stats., and if the apprentice engages only in barbering.

SECTION 20. Cos 7.03 (2) and 7.04 are amended to read:

Cos 7.03 (2) COSMETOLOGY MANAGER. An applicant for licensure as a cosmetology manager shall complete a written examination.

**Cos 7.04 Passing scores.** The passing score of the examinations for licensure as a cosmetologist, aesthetician, manicurist, electrologist, or cosmetology manager, shall be based on the board's determination of the level of examination performance required for minimum competence in the profession.

SECTION 21. Cos 8.01 (2) and 8.02 (intro.) are amended to read:

Cos 8.01 (2) An applicant for licensure as a cosmetology manager shall satisfy the requirements in s. 454.06 (1) and (3), Stats.

**Cos 8.02 Licensing requirement without examination.** The board may grant a license to practice cosmetology, aesthetics, electrology, ~~or~~ manicuring, or to practice as a cosmetology manager without examination to a licensee of another state provided that the following conditions are met:

SECTION 22. Cos 8.03 is created to read:

**Cos 8.03 Inactive license.** (a) Any person who has been granted an inactive license, under s. 454.06 (8m), Stats., may not receive compensation for personal care services performed by a licensee and may not practice in a licensed establishment.

(b) activities permitted under this subsection include purchasing supplies or cutting hair outside of an establishment, without compensation, such as for a resident in a nursing home.

SECTION 23. Cos 9.03 is repealed and recreated to read:

**Cos 9.03 Reinstatement of license.** (1) If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board in its discretion may require as a condition of renewal that the applicant successfully pass the examination required in s. Cos 7.03.

(2) A licensee who has a license with unmet disciplinary requirements which has not been renewed within five years of the renewal date or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. 1, if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the credential.

(3) A licensee may not practice as a cosmetologist, aesthetician, electrologist, manicurist or cosmetology manager prior to being granted reinstatement of their respective license.

SECTION 24. Cos 11.01 is amended to read:

**Cos 11.01 Authority and purpose.** The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 454.12, Stats., and govern biennial continuing education for aesthetics and cosmetology practitioner and cosmetology manager, electrology and manicuring licenses.

SECTION 25. Cos 11.04 (1) (e) is created to read:

Cos 11.04 (1) (e) Private continuing education providers shall refrain from using promotional materials that give the impression that a course they offer was created or delivered by the cosmetology examining board, the department of safety and professional services or any other state entity. The prohibition against such representations shall include all promotional material regarding provider name, course or business name, websites, advertisements, e-mails or mailings. This does not prohibit continuing education providers from disclosing relevant state approvals, licensures, or appointments in promotional materials.

SECTION 26. Cos 11.03 (5) (b) and (c) 2. and 5. are amended to read:

Cos 11.03 (5) (b) Teaching a continuing education program. A person who teaches may only receive credit for the initial offering or presentation of a course or program during a biennium. Fifty minutes of actual instruction is equivalent to one continuing education credit hour. A maximum of ~~3~~ 4 credit hours may be obtained by teaching in any biennial reporting period. Full-time faculty may not claim continuing education credits for teaching done as part of their regular duties.

Cos 11.03 (5) (c) 2. The course or program requires assignments that are completed and prepared by the licensee and submitted to the provider for correction, grading, or both. The assignment must be graded or corrected by the continuing education provider and returned to the licensee before the licensee is allowed to take the course examination. The continuing education provider may not provide a licensee with the assignment answers before the licensee has submitted their completed assessment.

Cos 11.03 (5) (c) 5. The course or program contains a minimum of 50 minutes of actual instruction for each credit hour offered. For purposes of calculating actual instruction time, the time spent for testing and assessment purposes shall not be included. All continuing education courses made available online, including booklets and text based courses, must include a timer that cannot be fast-forwarded by the licensee unless they have already completed that section of the course and are reviewing the material again. The timer shall ensure that there is a minimum of 50 minutes of actual instruction for each credit hour offered. Text based courses that require licensees to read a substantial amount of course material must include a minimum of 5,000 words per continuing education hour of educational material.

SECTION 27. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Cosmetology Examining Board

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Brittany Lewin Executive Director</b>		2) Date When Request Submitted:  Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections: <b>Cosmetology Examining Board</b>			
4) Meeting Date:  <b>3/2/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislative and Administrative Matters – Appearance - Doug Schoon</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name)  <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Doug Schoon is the President of Schoon Scientific + Regulatory Consulting, LLC. He is willing to answer questions from board members regarding sanitization and disinfection, specifically regarding nail files.  See attached bio and email for additional information.			
11) Signature of person making this request		Authorization	Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## Doug Schoon bio

**Doug Schoon** is an internationally-recognized scientist, author and educator with over 30 years experience in the cosmetic, beauty and personal care industry. He is a leading industry authority, known for his technical and regulatory work that has helped shape the beauty industry. He is Co-Chair of the Nail Manufacturers Council (NMC), and as [Creative Nail Design's](#) (CND) Chief Scientist, was head of the R&D laboratory, QA, and Field Testing/Evaluation departments for almost 20 years.

Schoon has authored several books, video and audio training programs, as well as dozens of [magazine articles](#) about salon products, safety, and best practices for salon professionals. Schoon is well known for his captivating presentation style and his unique ability to make complex concepts easy to understand.

In 1986, Schoon founded *Chemical Awareness Training Service* (CATS) – the beauty industry's first safety training company. This was followed by his book, [Nail Structure & Product Chemistry](#), 1st and 2nd Edition, which has become essential reading for nail salon pros. Schoon is a chief contributor to *Milady's Standard Nail Technology* and *Standard Cosmetology*, as well as several medical reference books such as Baran and Maibach's *Textbook of Cosmetic Dermatology* and *Cosmetic Dermatology: A Comprehensive Medical and Surgical Text*.

Schoon serves as an expert witness in legal cases, and doctors, dermatologists and podiatrists often consult Schoon when writing articles, books or scientific papers. He has worked as a scientific researcher, author and lecturer for almost 35 years and holds a Masters Degree in Chemistry from UC-Irvine. He currently resides in Dana Point, CA.

### Overview Industry Experience

- President, Schoon Scientific + Regulatory Consulting, LLC (2007- present)
- Co-Chair, Nail Manufacturer's Council (NMC) (2003-present)
- V.P., Science & Technology – CND (Creative Nail Design, Inc.(1987-2007)
- Executive Director/Founder of Chemical Awareness Training Service (1986-89)
- World renowned expert; considered a leading scientist in the field
- Works with state, federal and international regulators to develop beauty industry related standards and regulations.
- Experienced working with EU and Japanese cosmetic regulatory agencies and many domestic and international trade associations
- Experienced working with activist groups to address industry issues
- Over thirty years experience as a researcher, lecturer, author and educator
- Regularly writes articles and makes contributions to several domestic and international beauty trade magazines
- Author of science and safety books for beauty professionals, including the industry standard, "*Nail Structure & Product Chemistry*", Second Edition, 2005
- Contributing author to many educational books used in beauty schools
- Contributing author to several medical texts used by dermatologists and doctors
- Bachelors Degree Chemistry, Cal State University- Long Beach, CA (1982)
- Masters of Science Degree in Chemistry, University of California-Irvine (1984)

Excerpts from email between Gail Sengbusch and Doug Schoon.

Subject: RE: Wis. Cosmetology Exam Board Inquiry

> Date: Wed, 18 Feb 2015 09:42:45 -0800

>

> Hi Gail,

> My replies are below.

> 1. Are nail files able to be disinfected? If so, what materials can be  
> disinfected (examples, emery boards with wood, emery boards with foam  
> or plastic centers, glass files, metal files, etc.)? What materials  
> cannot be disinfected?

> DDS: My research indicates that nail files that are either absorbent  
> or non-absorbent can be properly disinfected. If a nail file can  
> survive proper cleaning and disinfection, the nail file should be  
> considered a multi-use file. Typically, a high quality nail file can  
> survive only 2-3 rounds of cleaning and disinfection before it is no longer useful as a nail file.

> 2. When is it necessary to dispose of a nail or callous file?

> DDS: A nail file that cannot survive proper cleaning and disinfection  
> is a single use item that should be disposed of into the trash.

> 3. What is the EPA's perspective on disinfection of files?

> DDS: The EPA told me that the only reason they say that non-porous  
> items can't be disinfected is because no one has developed and  
> validated a standardize microbiological challenge test that would show  
> the efficacy of EPA registered disinfectants on porous nail files. If  
> one were developed, then the EPA would allow claims to be made  
> concerning efficacy on porous nail files. They agreed that such a test  
> could be developed and would likely show that porous nail files can be  
> disinfected because the disinfectant molecules are much smaller than  
> pathogens and would likely very easily absorb into the material and  
> quickly kill the pathogens. Presently, the EPA allows porous glass frits to be disinfected, since  
> a method was developed.

> 4. What is the proper way to disinfect files and what is the level of  
> pathogens at each step of the process? And how does that compare to  
> the pathogens carried on a healthy individual at any given time?

> DDS: Cleaning is the most important and probably removes the vast  
> majority of contaminants and pathogens. I've not measured the  
> effectiveness in percentages, but my view is that cleaning removes up  
> to 98-99% of the contaminants and pathogens. Disinfectants don't

- > remove any contaminants but they will ensure an efficacy level of
- > 99.99% or better reduction in microbial contamination. That level has
- > been demonstrated to be effective in hospitals, so it is certainly
- > effect in salon which have a much low risk potential for transmission of pathogens.

- > 5. What tests have you been involved in and what information do you
- > have to support your feed back?

- > DDS: I've studies this issue for more than a decade. Some companies
- > have in the past submitted convincing test results to the California
- > BBC, but no comprehensive study has been performed. The Nail
- > Manufacturer's Council
- > (NMC) is presently researching this issue and it is my hope that
- > definitive data will be generated over the next few months.

- > 6. What about reusable gloves? Are they safe for a client when used
- > for chemical services? Can they carry pathogens and pass disease when
- > used in conjunction with non-invasive hair services?

- >

- > DDS: Reusable gloves are fine, as long as they aren't used too many times.
- > Once the outer surface of the glove becomes distorted in any way, the
- > glove should be disposed of and not reused. My experience tells me
- > that these gloves are good for a few weeks, not months. If someone
- > were concerned about the spread of pathogens, they could wash the
- > glove while it is still on the hands. If this is done, then I'd think
- > it would be pretty unlikely that a pathogen would be transmitted by a reusable glove.

- >

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

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3) Name of Board, Committee, Council, Sections: <b>Cosmetology Examining Board</b>												
4) Meeting Date:  <b>3/2/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Informational Items – Surrounding States Law</b>										
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name)  <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:										
10) Describe the issue and action that should be addressed:  For informational purposes, some of the surrounding states cosmetology law and rules.												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;">           11) Signature of person making this request         </td> <td style="width: 20%; text-align: center; border-bottom: 1px solid black;">           Authorization         </td> <td style="width: 20%; text-align: right; border-bottom: 1px solid black;">           Date         </td> </tr> <tr> <td style="border-bottom: 1px solid black;">           Supervisor (if required)         </td> <td></td> <td style="text-align: right; border-bottom: 1px solid black;">           Date         </td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">           Bureau Director signature (indicates approval to add post agenda deadline item to agenda)         </td> <td style="text-align: right; border-bottom: 1px solid black;">           Date         </td> </tr> </table>				11) Signature of person making this request	Authorization	Date	Supervisor (if required)		Date	Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date
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### **Industry Bulletin 8/1/2011- Disinfecting Nail Files**

The Board of Barbering and Cosmetology (Board) has received no scientific data that indicates nail files manufactured of porous material can be disinfected in a manner that would prevent the harboring or growth of bacteria. Porous material is a material that has minute spaces or holes through which liquid may pass (for example; emery boards, pumice stones, orange wood sticks).

California Code of Regulations section 981 states:

“All instruments and supplies which come into direct contact with a patron and cannot be disinfected (for example, cotton pads, sponges, emery boards, and neck strips) shall be disposed of in a waste receptacle immediately after use.”

Until the Board receives valid data that a porous file can be disinfected, the Board takes the following position:

All items that are made of porous material must be disposed of immediately after use on a single client. Items that are made of porous material must not be used on more than one client regardless if the item is stamped “disinfectable”.

History: 1998-2000 AACCS.

Michigan  
Cosmo  
Law

**R 338.2179b Personal hygiene.**

Rule 79b. (1) A licensee shall do all of the following:

- (a) Keep attire clean and sanitary when services are being rendered.
- (b) Wash his or her hands immediately before and after serving each patron.
- (c) Apply antiseptic after washing his or her hands when manicuring or electrology services are to be performed.
- (d) Request that a patron for manicure services wash his or her hands before beginning the service.

History: 1998-2000 AACCS.

**R 338.2179c Manicuring implements and work tables.**

Rule 79c. (1) A licensee or owner shall ensure all of the following:

- (a) Manicuring implements are kept in a jar-type wet sanitizer.
  - (b) Manicuring tables are clean and sanitary at all times and tables are wiped with a disinfectant solution before each use.
  - (c) Porous materials, that cannot be sanitized, including, but not limited to, abrasive boards/blocks/buffers, orangewood sticks, or pumice stones, are used on only 1 patron.
  - (d) Vaporous chemical waste materials are disposed of by placing the materials in an airtight, covered waste container.
- (2) The owner of an establishment or school shall ensure that there is adequate ventilation or filtration to prevent the concentration of chemical vapors and strong odors.

History: 1998-2000 AACCS.

**R 338.2179d Electrology sanitation and sterilization procedures.**

Rule 79d. (1) For electrology services, a licensee shall use only the following sterile equipment:

- (a) Tweezers.
- (b) Scissors.
- (c) Needles.
- (d) Needle holder tips.
- (e) Probes.
- (f) Removable needle caps.

(2) After using equipment on a patron, a licensee shall sanitize the equipment specified in subrule (1) of this rule utilizing all of the following steps:

- (a) Soaking in liquid, protein-dissolving enzyme detergent for the period of time recommended by the manufacturer of the enzyme detergent used or thoroughly soaking in a soap and water solution for not less than 20 minutes.

2105.0380 COSMETOLOGY; SALONS

Minnesota  
Cosmo  
Law 16  
1/8/2

G. All fluids, semifluids, creams, and powders shall be kept in clean covered containers and shall be dispensed with a clean disinfected spatula or from a shaker or pump or spray dispenser. Waving fluids shall be dispensed from suitable containers, in a manner which prevents contamination of unused fluid. All containers shall be covered when not in use.

H. All bottles and containers shall be correctly and clearly labeled to disclose their contents. Poisonous substances shall be clearly and conspicuously marked.

I. All permanent wave rods and supplies shall be washed thoroughly after use on each client and shall be stored in clean, closed containers or covered by a clean towel when not in use.

J. All electrical tools and implements shall be kept on stands or hangers or otherwise be stored properly when not in use. One six-foot grounded extension cord may be used in a work station if necessary to service a client with an implement actually in use. The extension cord shall not extend beyond the area of the work station.

K. All clean towels, robes, and linen shall be stored in a clean, closed cabinet until used. The cabinet shall be made of a solid, completely closed material. Disinfected capes, aprons, and robes may be hung in an area of the salon that is not within five feet of any work station or customer servicing area for purposes of drying, and must be stored according to this part immediately after drying.

L. Each towel, robe, apron, cape, and linen used to cover or protect customers shall be used only once and then be properly laundered or disinfected according to this part. After use and until laundering or disinfecting, each item shall be placed in a container which complies with local fire codes or the state Fire Code where no local fire codes exist. All soiled towels and linens shall be laundered commercially, or in washing machines with laundry detergent using water of a temperature of at least 160 degrees Fahrenheit. As an alternative to laundering, aprons and capes made of solid, nonwoven plastic may be disinfected on all sides with a disinfectant.

M. All disinfected and laundered items shall be stored in a clean, closed container, drawer, or cabinet, or under a clean cover until reused. Any disinfectant used to fulfill the requirements of this part must be registered with the United States Environmental Protection Agency as a tuberculocidal agent and used according to the manufacturer's instructions.

N. Prohibited substances in salons are methyl methacrylate liquid monomers (MMA) and fumigants, including but not limited to, formalin tablets or formalin liquids.

O. Wig blocks shall have a nonabsorbent covering which shall be kept clean and sanitary. Each nonabsorbent covering shall be removed after each servicing of the wig and shall be placed in a properly labeled container. Each wig accepted for service shall be stored in an individual sanitary receptacle such as a plastic bag and shall not be allowed to come into contact with any other wigs. New wigs shall not be allowed to come into contact with any client's hair, skin, or wig. Plastic wrap or other suitable covering material shall be placed over a prospective buyer's hair while trying on wigs.

P. Each licensee on duty shall be assigned to a specific work station.

Q. The licensee shall wash the licensee's hands with soap and hot water before any service to a new patron. Fingernails shall be kept clean.

R. Each licensee shall be responsible for the order, cleanliness, and sanitation of the licensee's work station and all equipment and materials used.

2062

S. Each licensee shall be responsible for using only clean and properly disinfected implements when providing any service.

T. Each licensee shall ensure that all hair is removed from the floor after each haircut.

U. Each licensee shall clean up any spills of water or other liquid from the floor immediately.

V. Each licensee shall remove all hair and rinse the shampoo bowl immediately after each use.

W. Each licensee shall be clean and shall wear clean clothing and shoes.

X. Each licensee shall be free from communicable diseases and parasites when performing services on any client.

Y. Licensees shall not smoke, eat, or drink while performing any services.

Z. Licensees shall not carry combs or other implements in the pockets of clothing.

AA. Services shall not knowingly be performed on any person who has a communicable disease, condition, or parasites.

BB. Current licenses of salon personnel shall be conspicuously posted in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. If the license is at the reception area, the licensee's name shall be posted at the work station. The salon manager and owner are responsible for assuring that all licenses are current and renewed. All licensees must have a valid picture state or governmental identification in their possession when working in the salon, and must produce this identification for inspection when requested by the board staff.

CC. The current shop license shall be conspicuously posted in the reception area.

DD. No animals, birds, or pets shall be allowed in a salon. This prohibition does not apply to guide dogs.

EE. If a salon receives compensation for child care services, the following requirements shall be met:

(1) The unregulated service shall be identified in compliance with parts 2105.0100 and 2110.0100.

(2) The child care activities shall be contained in a room separated from the salon. The square footage of this room shall not be included in the required minimum square footage for the salon.

(3) An individual shall be hired to attend the children at all times and shall not simultaneously be responsible for the performance of any cosmetology services.

**Statutory Authority:** *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

**History:** *10 SR 474; 11 SR 389; 13 SR 1056; 20 SR 227; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778*

**Published Electronically:** *December 9, 2013*

#### **2105.0390 SALON SUPERVISION.**

A. The owner and the designated manager appointed in writing by the owner are responsible for the salon at all times.

**Joint Committee on Administrative Rules**

**ADMINISTRATIVE CODE**

**TITLE 68: PROFESSIONS AND OCCUPATIONS**

**CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

**SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS**

**PART 1175 THE BARBER, COSMETOLOGY, ESTHETICS, HAIR BRAIDING, AND  
NAIL TECHNOLOGY ACT OF 1985**

**SECTION 1175.115 SANITARY STANDARDS**

**Section 1175.115 Sanitary Standards**

The sanitary standards set forth in this Section shall be followed by all licensees as appropriate to their practice. Failure to comply with these standards shall be considered unprofessional conduct and may be determined to be a violation pursuant to Section 4-7 of the Act.

a) Definitions

- 1) "Clean" means free of soil, dust, contaminants or impurities, or recently laundered and unused, or the removal of soil, dust, etc., by washing, sweeping, clearing away, or any other appropriate method
- 2) "Disinfect" means the use of a chemical agent that eliminates harmful bacteria, fungi and viruses on surfaces.
- 3) "Disinfectant" means a chemical agent that eliminates harmful bacteria, fungi and viruses.
- 4) "Hospital Grade Disinfectant" means a disinfectant that is registered with the Environmental Protection Agency (EPA) as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).

b) Sanitary Requirements

- 1) Adequate disinfecting or sterilizing equipment shall be maintained for the number of licensees, usage requirements, and volume of business.
- 2) All disinfecting agents shall be kept at adequate strengths to maintain effectiveness, be free of residue and be available for immediate use at all times the salon or shop is open for business.
- 3) All tools, implements and items that come in direct contact with a client shall be cleaned and disinfected or disposed of after use on each client.

- 4) All non-disposable manicure tools and implements shall be cleaned and disinfected with a hospital grade disinfectant after use on each client.
- 5) All items designed to be disposed of after a single use, such as orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery boards or porous nail files, buffer blocks, pumice stones, sanding bands or sleeves and disposable nail bits shall be disposed of after each use.
- 6) New and/or disinfected and cleaned tools shall be stored separately from all others.
- 7) Manicure tables, work stations and facial chairs shall be cleaned and disinfected with a hospital grade disinfectant before and after serving each client.
- 8) Head rests of any chair shall be protected with a disposable cover and changed after each use, or a clean washable towel may also be used.
- 9) Items subject to cross-contamination by re-dipping into a multi-use container, such as creams, cosmetics, astringents, lotions, removers, waxes, moisturizers, masks and oils used within a field of practice, shall be dispensed from containers to prevent contamination of the unused portion. Any product that becomes contaminated shall be discarded after use on that particular client.
- 10) Paraffin wax must be used in a manner that prevents contamination of wax remaining in the paraffin bath or container, such as application with a single use or sanitized spatula or applicator or disposal of any used wax. Paraffin must be covered when not in use and maintained at a temperature specified by the manufacturer's instructions.
- 11) All articles that come in direct contact with the client's skin that cannot be cleaned or disinfected shall be disposed of immediately after use.
- 12) All clean towels shall be kept in a closed or covered space.
- 13) All clean or disposable esthetics sheets, gowns and head coverings shall be kept in a closed or covered space.
- 14) Licensees shall observe and follow thorough hand washing with soap and water or any equally effective cleansing solution or waterless hand sanitizer before and after serving each client.
- 15) Licensees shall ensure that each client's hands or feet are washed with soap and water or waterless hand sanitizer prior to performing any manicuring or pedicuring services.
- 16) The use of nail products or the distribution of nail products containing monomer Methyl Methacrylate (MMA) is prohibited.

- 17) Clean towels shall be used for each client.
- 18) Clean or disposable esthetics sheets, gowns and head coverings shall be used for each client.
- 19) A neck strip or towel shall be placed around the client's neck and changed after each use to prevent direct contact between a common use hair cloth or cape and the client's skin.
- 20) Hair clippings shall not be allowed to accumulate and shall be disposed of in a covered container.
- 21) Floor surfaces shall be kept clean, orderly and in good repair.
- 22) Storage drawers for clean tools and implements shall be clean, free of hair and used only for clean tools and implements.
- 23) All soiled towels shall be kept in a covered container. Containers shall be large and sturdy enough to store soiled items, towels or linens after use.
- 24) Shampoo bowls and sinks shall be clean and free of hair and residue after each use.
- 25) Equipment, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures shall be kept clean and in good repair.
- 26) Walls, doors, windows and ceilings shall be clean and free of excessive spots, mildew, condensation or peeling paint.
- 27) Storage cabinets, work stations and vanities shall be kept clean.
- 28) Roller-storage receptacles and contents shall be clean and free of hair and residue.
- 29) Outer surfaces of waste disposal containers shall be kept clean.
- 30) All salons and shops shall provide adequate ventilation as required by the city, county or municipality to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.
- 31) All salons and shops shall provide a safe and adequate supply of continuous hot and cold running water from an approved source (see Illinois Plumbing Code (77 Ill. Adm. Code 890)). Sinks located in the restroom do not qualify as a water source.
- 32) Licensees shall have immediate access to a supply of hot and cold running water.

- 33) No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690, to work on the premises.
  - 34) No licensee shall be required or permitted to massage any surface of the skin or scalp where the skin is inflamed or where a skin infection or eruption is present.
  - 35) No licensee shall be required or permitted to work upon a person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690.
  - 36) Pets or other animals shall not be permitted in a salon or shop at any time. This prohibition does not apply to an animal assistant for the physically impaired.
- c) Pedicure Equipment Cleaning and Disinfecting Procedures  
The following procedures, as developed by the International Nail Technicians Association, shall be followed for all pedicure equipment, such as whirlpool pedicure foot spas, self-contained foot basins, sinks and pedicure bowls:
- 1) After each client:
    - A) Drain all water from the foot spa, pedicure basin or bowl;
    - B) Clean the interior surfaces and walls of the foot spas or basin with soap or detergent to remove all visible debris; rinse with clean, clear water;
    - C) Disinfect by spraying the interior surface of the foot basin or bowl with either an EPA-registered disinfectant (demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions) or 10% bleach solution; and
    - D) Wipe dry.
  - 2) At the end of every day, after the last client:
    - A) Perform the procedures of subsection (c)(1);
    - B) Remove the screen from whirlpool basin. All debris trapped behind the screen of each foot spa shall be removed with a brush and soap or detergent; then the screen and the inlet shall be cleaned to remove all visible debris with soap or detergent and water;
    - C) Before replacing the screen, totally immerse the screen in either an EPA-registered disinfectant or 10% bleach solution;
    - D) Fill the basin with warm water and low-sudsing soap, turn the system on and flush the spa system for 5 minutes, then rinse and drain.

- 3) Once every week:
  - A) Repeat the procedures of subsection (c)(2); then fill the foot spa or basin with cold water and one tablespoon of 5.25% liquid household bleach (or the equivalent) for each one gallon of water based on the capacity of unit;
  - B) Turn unit on and circulate the bleach solution through the system for 5 to 10 minutes; turn unit off;
  - C) Let the bleach solution sit in the spa or pedicure basin overnight (at least 6-10 hours);
  - D) The following morning, and before the first client, drain bleach solution;
  - E) Fill the basin with clean water, turn the system on and flush the system with clean water and drain.
- 4) Logs:

Make a record of the date and time of the weekly cleaning and disinfecting. The record for the last 90 days shall be readily accessible and available upon client or inspector request. Separate logs for weekly and daily procedures are needed but may be kept in the same document log.
- d) Devices/Equipment
  - 1) All manual or mechanical devices and equipment used in the practice of barbering, cosmetology, esthetics, hair braiding or nail technology must meet all "product registration requirements" imposed by any federal, State, county or local authority.
  - 2) All manual or mechanical devices or equipment used in the practice of barbering, cosmetology, esthetics, hair braiding or nail technology must be used in accordance with the "product safety requirements" imposed by any federal, State, county or local authority.
  - 3) Each licensee must verify, maintain, or be able to access documentation related to any device classified by the FDA that is used in the practice of barbering, cosmetology, esthetics, hair braiding or nail technology.
  - 4) Licensees may not use any manual or mechanical device or equipment unless the use is part of the delivery of services within the licensee's scope of practice and is consistent with the manufacturer's intended use of the device and with client health and safety.
- e) Compliance with All Applicable Regulations

Owners or managers of a salon or shop and licensees shall observe and be subject to all Illinois Department of Public Health, as well as other city, county and State, regulations pertaining to public health and safety. Compliance with building, State

POST THESE PAGES IN THE SALON / SCHOOL WHERE IT CAN BE READ BY ALL.

**Georgia State Board of Cosmetology Sanitary Regulations For Salons And Schools**

1. All establishments wherein cosmetology, nail care, esthetics or hair design is practiced or taught within the State of Georgia must provide a suitable facility equipped to give adequate services subject to inspection by constituted representatives of the Georgia State Board of Cosmetology.
2. Separate space must be provided for a cosmetology salon/shop establishment. The use of any such space for sleeping, dining or any other domestic purpose is prohibited.
3. Space used for a cosmetology salon/shop facility establishment must be separated by tight, ceiling high partitions from residence rooms.
4. Each establishment must have proper toilet and plumbing facilities and adequate supply of hot and cold running water in accordance with the recognized health standards.
5. Walls, ceilings, floors, furniture and equipment must be free from dust and debris.
6. Shampoo bowls and sinks, and service sinks must be thoroughly cleansed and sanitized.
7. Towels, after being used once, must be placed in a covered container until properly laundered.
8. The use of any article that is not properly cleansed and sanitized is prohibited.
9. All waste material must be removed daily. Garbage shall be stored in a covered washable container and shall not be left in the establishment overnight.
10. Professional implements and tools shall be cleansed thoroughly with soap and water and sanitized by using recommended disinfectants approved by the Georgia Department of Human Resources, Environmental Health Section.
11. Creams, lotions and other cosmetics for use on patrons must be kept in sanitary, closed containers.
12. It shall be unlawful to allow pets in a cosmetology salon/shop establishment or facility.

**130-5-.05 Cleaning and Recommended Disinfection of Implements.**

(1) All multi-use tools, implements, and equipment used for cosmetology services that come in contact with a client must be cleaned of all visible debris after each use and disinfected after each use by complete saturation or immersion for at least 10 minutes in an EPA-registered, hospital-grade disinfectant according to the manufacturer's directions. Autoclave is an acceptable method of sterilization. Each salon or shop shall provide correct wet disinfection and dry storage standards at all times.

(a) Multi-use items constructed of nonporous materials such as metal, glass, or plastic for use on more than one client include, but are not limited to the following items: nail clippers, cuticle nippers, cuticle pushers, scissors, shears, reusable nail forms, manicure and pedicure bowls, foot files, glass, metal and fiberglass files, metal drill bits, tweezers, comedone extractors, brushes, combs, clips, reusable pencil sharpeners, reusable gloves, and any other metal tools/non-porous implements not listed above.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Brittany Lewin Executive Director</b>		2) Date When Request Submitted:  Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections: <b>Cosmetology Examining Board</b>			
4) Meeting Date:  <b>3/2/15</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Informational Items- Nail File Reference Material</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Attached is one study regarding nail file sanitization and disinfection that was provided by staff.  Kristin Allison forwarded the article found at this link: <a href="http://www.nailsmag.com/article/91912/are-your-files-clean-enough">http://www.nailsmag.com/article/91912/are-your-files-clean-enough</a>			
11) Signature of person making this request		Authorization	Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# REALYS

PROFESSIONAL  
NAIL CARE

7601 Woodwind Dr.  
Huntington Beach,  
California 92647

PH: (714) 842-1702  
FAX: (714) 848-0946  
(800)-4-REALYS  
(800) 473-2597

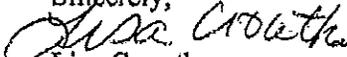
3/15/06

Case File Ref. 05BAC003

Dear Ms. Boledow,

Last we spoke was in April of 2005, you had concerns regarding organic materials, nail mites and nail filings being removed from our Tropical Shine nail files. We have since sent our files to be tested with these concerns in mind. I am sending you the results from those tests.

Sincerely,

  
Lisa Crowther  
President

SEACLIFF DIAGNOSTICS MEDICAL LABORATORY

2130 MAIN STREET, SUITE 210

HUNTINGTON BEACH, CA 92648

TELEPHONE (714) 743-5253

FAX (714) 969-5691

John C. Hiserodt, M.D., Ph.D., FCAP, Medical Director

February 26, 2006

Realys Inc.  
7601 Woodwind Drive  
Huntington Beach, CA 92647

**Re: Laboratory Testing Results**

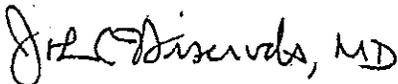
Dear Ms Crowther:

This letter is to inform you of the results of our laboratory studies regarding the sanitizing process for your nail files. Our laboratory performed a detailed analysis of the presence of nail mites and nail filings before and after your recommended sanitizing process. This was done by direct visual observation of the nail files before and after the sanitizing process under high power magnification using a Leica 7 inverted microscope. The results were as follows.

- Various grits of nail files were used on natural and artificial nails, then examined under high resolution magnification using an inverted microscope.
- The nail files were then cleaned with a firm bristle brush, antibacterial soap and warm water.
- After the sanitizing process, the nail files were examined again using the same high resolution inverted microscope.
- The results indicated no organic material including nail mites and/or nail filings were found in or on the nail files.

From the results of these studies it is our conclusion that the sanitizing process you recommend appears to be thorough.

Sincerely,



John C. Hiserodt, M.D., Ph.D., FCAP  
Pathologist and Medical Director

# Sanitation, Disinfection and Nail Files

*Learn the latest guidelines for  
disinfection.*

By Vicki Peters

Last year, the question “Can nail files be disinfected?” was asked of the California State Board about certain brands of files, and state boards all over the country began hearing the same question—and discovered they had no immediate answer. The question created confusion in salons and at state board offices. Most states have a clause in the regulations stating that any item used for nail services that can’t be disinfected must be disposed of after a single use. What determines whether a file can be disinfected?

## Proving the Need

In October of 2001, James Goldstene, bureau chief for the Barbering and Cosmetology division of the California Department of Consumer Affairs, requested that a task force be formed to find the answers to several questions regarding file disinfection. The resulting Abrasive Task Force (ATF), under the auspices of the American Beauty Association (ABA) set its goal to gather data about what types of pathogens could be killed or deactivated on what types of nail files *and* at what concentrations of both quaternary ammonium compounds and phenolics (tuberculocides).

Some people outside the task force—people unfamiliar with salon practices—wanted to see the enforcement of high disinfection standards on nail files, even higher than medical standards and certainly higher than a file's condition when it's new! The task force asked these people to consider the history of nail files as a source of infection. There has been no documentation of nail files as a major factor in spreading disease or infection in salons. While it's feasible that files may carry some germs, history has proven that they do not present a high risk for the spread of disease.

The task force also more clearly defined the difference between "sanitation" and "disinfection." These terms are frequently misunderstood and misapplied. "Sanitation" is a synonym for "cleanliness"; when you sanitize something, you simply clean it. "Disinfection" means the killing of microorganisms, but not bacterial spores. This is one step below "sterilization," which is the destruction of all microbial life. Though some techs use the word "sterilize" when talking about cleaning and/or disinfecting their implements, true sterilization is not feasible or necessary for any environment outside a hospital operating room and is unnecessary in a salon setting. The task force agreed that "disinfectable" is the proper term for files if they're to be used more than once.



## Killing Time

Some techs believe that if a file says "sanitizable," that means it can be disinfected. Sorry, that's not what it means. "Sanitizable" means that the file can be cleaned. When you sanitize an item or file, you aren't killing anything. You're simply removing surface germs and debris. That's not to say sanitizing is unimportant; in fact, cleaning is paramount. Before any item can be disinfected, it must first be clean and free of all visible debris. In most cases, proper washing removes more than 99% of microorganisms. The term "disinfectable," as the ATF defines it, means that the item will hold up under the disinfecting process and, after proper disinfection, that it does not pose a risk of spreading disease or infection. If a file doesn't fall apart during the cleaning and disinfecting process and can still be effectively used, then it's disinfectable. That means you need to wash the nail file with soap and water; then immerse it in an appropriate disinfecting solution for the recommended time. If this process damages the file or buffer, the file is *not* disinfectable and must be disposed of after a one-time use.

## Read, Then Do!

To properly disinfect a file (or any other implement), you must read the disinfectant solution instructions and abide by them. Mixing, using or dis-

posing of any EPA-registered disinfectant in a manner contrary to the instructions on its label is a violation of federal law! The label should clearly state that the solution be used only on precleaned, hard, nonporous surfaces, and that the items must be completely immersed in the solution for 10 minutes. It's also important to follow instructions regarding how often to change your disinfecting solution because the solution is effective only for a limited time, usually 24 hours. Check your brand's label for exact time. The two practices that techs are often guilty of are mixing too weak a solution and using the solution longer than recommended. Both of these are bad habits that can render the disinfection inadequate.

A key word in the instructions is "nonporous." The surface of most nail files is rough, and most are made of absorbent materials such as paper. This means that an EPA-registered disinfectant cannot be used on a nail file unless the file is made of a hard, nonporous material such as metal, glass, fiberglass or hard plastic. In this case, the file can be disinfected with either an EPA-registered disinfectant, bleach or alcohol. If the file is porous, it may only be disinfected with bleach or alcohol.

Over the past few years, many states have eliminated bleach and alcohol

from their regulations entirely, and only allow for the use of EPA-registered disinfectants. We now know this omission to be inappropriate and incorrect.

## Changing Our Mindset

One key aspect of the Abrasive Task Force's guidelines came in a round-about way from Jim Rough, the executive director of the Ohio Board of Cosmetology. In researching possible new regulations, Rough wanted to know why alcohol and bleach aren't used in salons as disinfectants, since both products are used in the medical industry for that purpose. It seemed logical to him that they could also be used safely in salons. Rough asked the

If you accidentally  
cut a client with a nail  
file, the file becomes  
"semicritical."

opinion of Nancy King, industry consultant, nail tech and a consultant to state boards for nearly five years on many issues for the beauty industry. King said that her supposition—and that of most techs—is that since bleach and alcohol aren't registered by the EPA, they must not be as effective as EPA-registered disinfectant solutions. However, when Rough checked with the Ohio Department of Health, the EPA and Center for Disease Control (CDC), the answer was surprising: The efficacy of bleach and alcohol as disinfectants was proven *prior* to the creation of the EPA law mandating registration of germicides! Bleach and alcohol *can* be used to disinfect certain materials, such as porous items in healthcare facilities and hospitals. This is a key point in the new guidelines.

## Raising the Bar

After reviewing the medical and scientific data provided by the EPA,

Food and Drug Administration (FDA) and CDC and reviewing reports of scientific studies, the Abrasive Task Force presented its final report on nail files. Comparing the materials that nail files are constructed from to the materials used in healthcare facilities, the ATF categorized nail files into two types: porous and nonporous.

Then the guidelines were further defined (see "Abrasive Task Force Guidelines" to the left), in a manner that recommends that the salon environment meets one of the three medical levels of disinfection: "non-critical." Any re-useable items used in the salon may come in contact with intact, unbroken skin and healthy nails only. According to most state board regulations, if a client has broken skin or a visibly infected nail, techs are not permitted to work on that nail.

If, during a service, you accidentally cut a client with a nail file, the file becomes "semicritical" and you should refer to the ATF guidelines for that file: If the file is nonporous (classified as a D1 or disinfectable file), you must clean the file, then immerse it in either a hospital-grade or tuberculocidal disinfectant. Once it's properly cleaned and disinfected it can be reused. If the file is porous (D2 or disposable), it must be thrown away immediately.

State boards in every state have been given the Abrasive Task Force guidelines and many states are in the process of modifying their regulations to include the ATF guidelines. Check with your state's board for the rules you must follow right now; but the Abrasive Task Force hopes that its guidelines will soon become the recognized standard for all techs. ↓

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*Nailpro education director Vicki Peters is a licensed nail technician; author of educational books, CDs and tapes; and director of the Nailpro nail competitions. Nailpro would like to thank Nancy King and Creative Nail Design's Doug Schoon for their contributions to this article.*

# Abrasive Task Force Guidelines

The Abrasive Task Force came up with the following standards for salons.

## Definitions

Appropriate disinfectants are defined as:

- EPA-registered hospital disinfectant (bactericide, fungicide, virucide and pseudomonacidal) solution.
- EPA-registered tuberculocidal disinfectant solution.
- Alcohol (70% Isopropyl or higher concentration).
- Bleach (10% solution).

All disinfectants shall be mixed, used and disposed of according to manufacturer's instructions.

Abrasive Task Force (ATF) guidelines are based on the following definitions.

**Multi-use or re-useable article**—any article constructed and intended for use more than once on more than one person.

**Single-use or disposable article**—any article constructed and intended to be used one time on a single person, then immediately discarded.

**Cleaning**—the removal of all foreign material from an object by scrubbing with soap and water in order to reduce the debris and number of microorganisms present.

**Sanitize**—to clean all visible debris.

**Disinfect**—to destroy disease-causing germs using an appropriate disinfectant according to manufacturer's instruction.

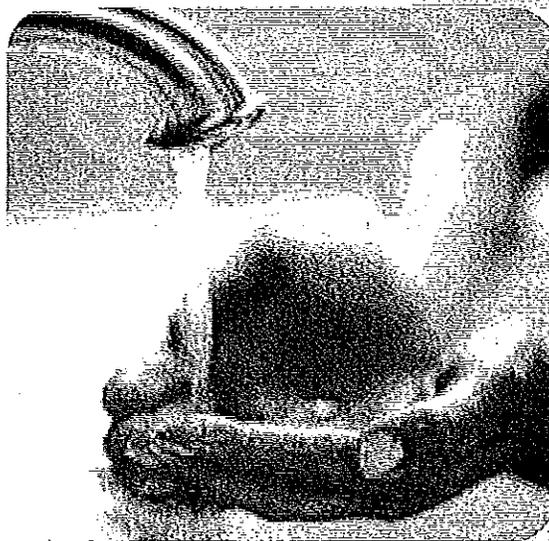
**Disinfection**—to apply an appropriate disinfecting solution to a precleaned item in order to destroy any remaining microorganisms.

**Noncritical items**—items that come in contact with intact, unbroken skin and healthy nails.

**Semi-critical items**—items that have come in contact with blood, body fluid, mucous membranes, infected nails, or skin that is broken or infected.

**Nonporous**—constructed of hard materials with smooth surfaces such as metal, glass, smooth plastic and fiberglass.

**Porous**—made or constructed of cloth, wood or other absorbent material.



## Conduct in Salons for Licensed Operators

These are the guidelines that you should strive to achieve. In general, these practices are considered the best practices by state boards across the country.

- All licensees shall practice in such a manner to avoid causing damage, injury, harm or infection to a client.
- Licensees shall not attempt to use any technique, product or service outside the scope of practice of the license he or she holds. Possession or storage of equipment, supplies and products outside the scope of practice shall be considered *prima facie* evidence of attempted use. ("Scope of practice" is defined in the licensing definitions by law in each state.)
- Any multi-use article, tool or product that cannot be cleaned and disinfected must be discarded after one use.
- All tools, implements, linens and re-useable articles shall be cleaned of all visible debris, then disinfected by complete immersion in an appropriate disinfectant prior to use upon each client.
- When only a portion of a cream, lotion or preparation is to be used on a client, it shall be removed from the container in such a way as to not contaminate the remaining portion.
- If any item or material that cannot be disinfected comes into contact with blood or other bodily fluid, it shall be immediately disposed of by double-bagging (a sealed plastic bag inside a trash bag).
- A licensee may refuse services to a client if the licensee has reason to believe that the client has a communicable disease or condition.
- A licensee shall not perform services on anyone upon the surface of the skin or nail where such skin or nail is inflamed, broken, abraded, cut, or where a skin infection or eruption is present.

(b) Single use items shall be discarded after being used one time. These items include: buffers, emery boards, nail files, sleeves and sanders for electric files, orangewood/birchwood sticks, wooden applicator sticks or spatulas, porous foot files, pedicure slippers and toe separators, disposable gloves, paraffin liners, cotton balls, cotton strips or swabs, neck strips and muslin strips or any items that cannot be disinfected.

(2) Wet disinfection standards for tools, implements, or equipment:

(a) After cleaning, all tools, implements and equipment must be disinfected by complete saturation or immersion (enough solution to cover all surfaces of the item) for 10 minutes in an EPA-registered, hospital-grade disinfectant that is bactericidal, virucidal, fungicidal, and pseudomonacidal. The disinfecting solution must be changed daily and/or prepared according to manufacturer's directions.

(b) All tools, implements, or equipment that come in contact with blood or body fluids must be disinfected by complete immersion for a minimum of 10 minutes in an EPA registered disinfectant that is effective against HIV-1 and Human Hepatitis B Virus, or tuberculocidal that is prepared and used according to the manufacturer's directions. Autoclave is an acceptable method of sterilization.

(3) Dry storage standards for tools, implements, or equipment:

(a) All disinfected tools and implements shall be stored in a sanitary manner in a covered container. The container must be labeled to show that it contains disinfected tools and implements.

(b) Soiled and dirty tools and implements must be stored in a separate and properly labeled covered container. Soiled and dirty tools and implements shall not be used again until properly cleaned and disinfected according to the procedures stated in this rule.

(4) Hand washing is required before and between providing services to each client. An anti-bacterial soap is recommended to sanitize the hands and the exposed portions of arms before providing services and after smoking, drinking, eating, and using restrooms.

(5) Pedicure equipment cleaning and disinfection procedures to be used for all pedicure equipment that holds water including sinks, bowls, basins, pipe-less, and whirlpool spas are as follows:

(a) After each client, all pedicure units must be cleaned with a chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital-grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturer's instructions for at least ten (10) minutes. If the pedicure unit has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

(b) At the end of each day of use, the following procedures shall be used:

1. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a chelating soap or detergent and water. For all pedicure units, the jet components and/or foot plate must be removed and any debris removed and cleaned. The screen, jet, and/or foot plate must be completely immersed in an EPA-registered, hospital-grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturer's instructions. The screen, jet, and/or foot plate should be replaced after disinfection is completed and the system flushed with warm water and low sudsing soap for 5 minutes, rinsed, and drained.

2. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA-registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

(c) Once each week, additional procedures should be performed. After completing the required cleaning procedures for the end of the day, the basin should be filled with water that contains one teaspoon of 5.25% bleach for each gallon of water. The solution should be circulated through the spa system for 5 to 10 minutes and

then the solution should sit overnight in the basin, or for at least 6 to 10 hours. Before being used again, the system should be drained and flushed.

(d) A record or log book containing the dates and times of all pedicure equipment cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon or shop and made available for review upon request by a consumer and/or an inspector from the Board.

(6) Signs shall be posted in clear view in the reception area of the salon/shop as follows:

(a) Cosmetology laws, rules, and regulations are available upon request.

(b) All cosmetology services shall only be performed on intact, healthy scalp, skin, and nails.

(c) Customers should not shave their legs the same day as receiving pedicure services to reduce the risk of infection.

(7) Signs shall be posted in clear view in the pedicure services area of the salon/shop as follows:

(a) All cosmetology services shall only be performed on intact, healthy scalp, skin, and nails.

(b) Customers should not shave their legs the same day as receiving pedicure services to reduce the risk of infection.

(c) Any razor-like implement, such as a credo blade, shall not be used to reduce the chance of injury or infection.

(d) Pumice stones shall not be reused from one customer to another to prevent the spread of bacteria.

Revised 03/07

**ELECTRIC FILES AND ATTACHMENTS**

All drills and attachments must be clean and sanitary before use on a client.

1. **All disinfectants** should indicate on the label that it is registered with the Environmental Protection Agency (EPA), and stops bactericidal, fungicidal, and virucidal activity. Disinfectants must be used according to the manufacturer's directions.
2. All **clean, sanitized equipment** must be stored in a clean, closed container. All attachments must be stored in a clean, closed container. Clean bits are stored separate from the electric file.
3. All **used** attachments must be stored in a closed, labeled (used) container until disinfected.
4. **To disinfect**, remove all foreign matter from the electric file and attachments. We recommend using a toothbrush or stiff brush and a cloth to remove the foreign matter. After you wipe off the nail dust, use a spray disinfectant for the file. The attachments must be washed with hot, soap water, and then soaked in disinfectant.
5. **Sanding bands** used on electric file mandrels are for single use purposes and must be discarded immediately after each use.
6. **Metal bits** for electric files are either single use or multi-use. Single use must be discarded immediately after each use. Multi-use metal bits must be disinfected by removing all foreign materials, washed in hot, soap water, and then soaked in a disinfectant. All clean multi-use metal bits are stored in a clean, closed container until used.
7. Only nail files and attachments designed for use on the human nail can be used. Documentation must be provided upon request, so keep your instruction book.
8. If a **blood spill** occurs it must be treated immediately. All service must stop immediately. The injured area must be cleaned with an antiseptic solution and covered with a sterile bandage. Before any service can continue, the licensee must disinfect any equipment that came into contact with the blood.
9. **NEW.** In order to operate a nail file, a licensee must show a minimum of eight (8) hours of continuing education. Contact the commission office at 605-773-6193 for further information.

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

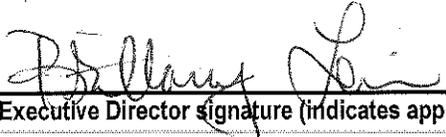
<b>Name and Title of Person Submitting the Request:</b> Beth Cramton, on behalf of Attorney Andrea Brauer Division of Legal Services and Compliance	<b>Date When Request Submitted:</b> February 20, 2015 <b>Items will be considered late if submitted after 4:30 p.m. and less than:</b> ▪ 8 work days before the meeting for Medical Board ▪ 8 work days before the meeting for all other boards
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**Name of Board, Committee, Council:**  
Cosmetology Examining Board

<b>Board Meeting Date:</b> March 2, 2015	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> Case Closing - Case Summary in 13 BAC 096, Images by Meghan
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<b>Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b> Jeffrey Patterson
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**Describe the issue and action the Board should address:**  
Review attached memo for consideration of closing case with no formal disciplinary action.

<b>Authorization:</b>	
	2-20-15
<b>Signature of person making this request</b>	<b>Date</b>
	2/20/15
<b>Supervisor signature (if required)</b>	<b>Date</b>
	2/20/15
<b>Executive Director signature (indicates approval to add late items to agenda)</b>	<b>Date</b>

**Directions for including supporting documents:**

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board's Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.



State of Wisconsin  
Department of Safety and Professional Services  
**Correspondence / Memorandum**

**Date:** February 19, 2015      **File Ref:** 13 BAC 096  
**To:** Case File  
**From:** Douglas M. Austin  
**Subject:** **Case Summary**

**Respondent(s):**

Daniels, Meghan M.  
Date Of Birth: 3/5/1980  
Credential #30013-81, granted 6/9/2004, renewal 3/31/2015 (expired 4/1/2011 – 1/10/2012)  
Phone No: (715) 536-1345  
Address of record: 1005 Main St., Merrill, WI 54452  
Booth renter at Images Salon, 1005 E. Main St. Merrill  
and at Images Salon's previous location, 911 E. Main St., Merrill

Images By Meghan  
Credential #32349-80, granted 9/23/2004, renewal 3/31/2015 (expired 4/1/2011 – 5/14/2013)  
Business address: 911 E. Main St., Merrill, WI 54452  
Establishment moved to new address of 1005 E. Main Merrill on or about 4/23/2014  
New establishment at 1005 E. Main obtained new license (#41223-80) on 4/23/2014

Gipple, Sandra A.  
Date Of Birth: 12/20/1962  
Credential #23820-81, granted 5/1/1990, renewal 3/31/2015  
Phone No: (715) 536-1345  
Address of record: W7289 Rose Len Ct., Merrill, WI 54452  
Owner of Images Salon, located at 1005 and previously at 911 E. Main St., Merrill, WI  
New establishment at 1005 E. Main obtained new license (#41224-80) on 4/23/2014

**Complainant:**

Carter, Jason M.  
Office Operations Associate, Customer Service Center, Division of Professional Credential Processing, Department of Safety and Professional Services (DSPS)

**Case Associate(s):**

Attorney:  
Brauer, Andrea

Investigator:  
Austin, Douglas

Case advisor:  
Jeffrey Patterson

**Previous Discipline:**

None.

**I. Complaint:**

Intake Description 9/1/2013

Unlicensed activity: R admitted to working while license was expired.

**II. Investigative Summary:**

On 5/14/2013, Jason Carter of the Department of Safety and Professional Services (DSPS), Customer Service Center, reported that he had a telephone conversation with Daniels, in which she indicated that she had been practicing at her salon without an establishment license since 2011. ICE records also show Daniels' manager license was expired from 4/1/2011 to 1/10/2012.

Daniels rents a booth, Images by Meghan, from Sandra Gipple at Gipple's salon, Images. I made an unannounced visit to Images by Meghan on 6/26/2014. I initially attempted to visit what I believed was the salon's location at 911 E. Main St., Merrill, WI 54452. When I arrived, I found a sign on the window stating the salon had relocated to 1005 E. Main St. I walked a few steps up the street to the new location and found the establishment in question. I found Daniels working as a booth renter, with the owner of the business identified as Sandra Gipple (manager license #23820-81, establishment license #41224-80). I spoke to Daniels and informed her that I was there because she had admitted to working for approximately 2 years without an expired establishment license and 9 months with an expired manager license at the salon's previous location of 911 E. Main St.

Daniels stated that she was sure she had paid the renewal for all of her licenses. I informed her that if she could produce a canceled check or credit card statements that showed the licenses were paid for, we would consider the evidence when studying this case. I sent a follow up e-mail to her on 7/2/2014 and a follow up letter dated 7/8/2014. I have never received any response from her.

Daniels also maintained she had timely obtained an establishment license for the new location. I subsequently verified there are 2 establishment licenses under the name Images by Meghan, and Daniels is the owner and manager for both. The first license for Images by Meghan (#32349-80) is located at 911 E. Main St. and was granted on 9/23/2004. This

license was expired from 4/1/2011 to 5/14/2013. The second license for Images by Meghan (#41224-80) is located at 1005 E. Main St. and was granted on 4/23/2014. This license was never expired.

My inspection of the salon revealed only very minor violations that required only a verbal notice to the cosmetologists working in the salon.

During my inspection, I also requested Gipple forward me a copy of the rental agreements for Daniels and her other booth renters from the time when they were at 911 E. Main St. (the prior location). On 7/11/2014, I received the rental agreement for Daniels and 3 other licensed cosmetologists that rent a booth from Gipple at the 1005 E. Main St. location. The agreements run from 5/1/2014 to 12/31/2014, indicating the salon changed its location on 5/1/2014. I sent a follow-up e-mail to Gipple informing her that I also needed to see the rental agreement from the 911 E. Main St. location for Daniels. She then sent in rental agreements for 2013 and 2014 between Gipple and Daniels for the 911 E. Main St. location.

### **III Violations and Applicable Statutory/Code Citations:**

#### **Wis. Stat. § 454.04(1)(a) Practice.**

Except as permitted under pars. (b) and (d), sub. (1m), and subch. II, no person may engage in cosmetology unless the person has received training in the areas of service provided and holds a current cosmetologist license or cosmetology manager license issued by the examining board that is not an inactive license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a cosmetology course of instruction.

#### **Wis. Stat. § 454.08(1)(b) Establishment licenses.**

(1) Except as permitted by rule promulgated under par. (b), no person may practice cosmetology, aesthetics, electrology, or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

#### **Wis. Admin. Code § Cos 2.03(2) Practice standards.**

Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.

#### **Wis. Admin. Code § Cos 2.04(1) Unauthorized practice.**

Licensees may not assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.

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#### **Wis. Admin. Code § Cos 2.045(1) Services outside of a licensed establishment.**

Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions.

Wis. Admin. Code § Cos 3.01(1) **Establishment requirements.**

Cosmetology, aesthetics, electrology, and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. Cos 2.045.

Wis. Admin. Code § Cos 3.02(2)(a)(b) **Other establishment requirements.**

CHAIR OR BOOTH LEASING. An owner may lease a chair or booth to a licensed individual as follows: (a) A lease agreement shall be in writing. (b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a manager's and an establishment license.

**IV Action Recommended by Attorney and Case Advisor:**

Attorney Brauer has reviewed the case file, including this case summary, and makes the following comments and recommendations.

Attorney Brauer finds Images by Meghan violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized practice of cosmetology during the time in which Daniels provided cosmetology services from Images by Meghan without a license or a manager on staff. Because Daniels is no longer operating Images by Meghan and now holds a different establishment license at the new location, Attorney Brauer recommends closing against Images by Meghan for prosecutorial discretion. (P3 – There may have been a violation that is more than a minor or technical violation. However, it is not a violation which caused serious harm, and a determination has been made that the expenditure of resources required to pursue the violation would greatly exceed the value to the public of having the matter pursued.)

The cases against Daniels and Gipple are being handled separately.

The case advisor concurs with the attorney's recommendation.

**V Final Board Decision:**

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b> Angela Rice, on behalf of Attorney Sarah Norberg Division of Legal Services and Compliance	<b>Date When Request Submitted:</b> February 17, 2015 <b>Items will be considered late if submitted after 4:30 p.m. and less than:</b> ▪ 8 work days before the meeting for Medical Board ▪ 8 work days before the meeting for all other boards
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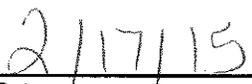
**Name of Board, Committee, Council:**  
Real Estate Examining Board

<b>Board Meeting Date:</b> March 2, 2015	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> Case Closing - Case Summary in 13 BAC 151, SSRS; S.R.R; K.T.F.; and KSI
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<b>Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b> Kristin Allison
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**Describe the issue and action the Board should address:**  
Review attached memo for consideration of closing case with no formal disciplinary action.

**Authorization:**

	
Signature of person making this request	Date
Supervisor signature (if required)	Date
Executive Director signature (indicates approval to add late items to agenda)	Date

**Directions for including supporting documents:**

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board's Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.



State of Wisconsin  
Department of Safety and Professional Services  
**Correspondence / Memorandum**

**Date:** January 28, 2014                      **File Ref:** 13 BAC 151  
**To:** Case File  
**From:** Ralph Draeger  
**Subject:** **Case Summary**

**Respondent(s):**

Janna L. Coca (Owner/manager of Tangles Salon Studio)  
Cos Mgr Credential #30594-81, granted 5/31/2005, renewal 3/31/2015  
Date Of Birth: 07/19/1975  
Phone No: 262 488-2362  
304 Main St., Racine, WI 53403

Tangles Salon Studio  
Credential #37392-80, granted 2/22/2010, renewal 3/31/2015  
(License expired 4/1/2013 – 7/4/2013)  
Phone No: 262 488-2362  
Janna Coca, 304 Main St., Racine, WI 53403

SRR Salon (Chair rental establishment at Tangles Salon Studio)  
Credential #39398-80, granted 4/24/2012, renewal 3/31/2015  
Phone No: 262 939-0665  
Shauna Rosenbaum, 304 Main St., Racine, WI 53403

Shauna R. Rosenbaum (Owner/manager of SRR Salon)  
Cos Mgr Credential #34413-81, granted 4/10/2012, renewal 3/31/2015  
Date Of Birth: 03/19/1981  
Phone No: 262 939-0665  
2325 90th St., Sturtevant, WI 53177

Katie T. Falaschi (Owner/manager of Katies Salon Inc.)  
Cos Mgr Credential #33194-81, granted 2/5/2010, renewal 3/31/2015  
Date Of Birth: 01/19/1983  
Phone No: 262 880-4894  
858 Boulder Trail, Unit 304, Racine, WI 53406

Katies Salon, Inc. (Chair rental establishment at Tangles Salon Studio)

Credential #37420-80, granted 3/2/2010, renewal 3/31/2015

Phone No: 262 880-4894

Katie Falaschi, 304 Main St., Racine, WI 53403

**All respondents have no previous discipline**

**Complainant(s):**

Anonymous

**Case Associate(s):**

Attorney: Sarah Norberg

Investigator: Ralph Draeger

Paralegal: Christy Galli

Case Advisor: Kristin Allison

**I. Complaint:**

Allegation of multiple booth renters at Tangles Salon without establishment licenses.

**II. Investigative Summary:**

I made an unannounced visit to the salon address on 6/3/2014. The sign outside the building identified the location as Tangles Salon Studio. The owner/manager of the establishment, Janna Coca (Coca), was present. I noted there were six chair rentals in addition to Coca's workstation. All the renters had their manager licenses and establishment licenses posted by their workstations. I found nothing to substantiate the complainant's allegations. The overall salon appeared clean and well organized. All the workers and workstations were in compliance with BAC rules and sanitation requirements.

Coca indicated she had written leases with all the chair renters. Shortly after my visit, I received emailed copies of all the leases.

In phone contact with Coca on 9/5/2014, she admitted she continued to operate her salon during the time period of 4/1/2013 through 7/4/2013 when the establishment license was expired. She said she didn't recall why she missed getting the establishment license renewed by 3/31/2013.

A \$500 citation has been issued to Respondents Coca and Tangles Salon Studio for violations of Wis. Admin. Code §§ Cos 2.045(1) and 2.04(1) for practicing outside of a licensed establishment and assisting or participating in the unlicensed practice of cosmetology.

**III Violations and Applicable Statutory/Code Citations:**

**Wis. Stat. § 454.08 Establishment licenses (1) (b)** Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to

provide that practice under sub. (2).

**Wis. Admin. Code § Cos 2.04 Unauthorized practice. (1)** Licensees may not assist or participate in the unauthorized or unlicensed practice of cosmetology, aesthetics, electrology or manicuring.

(2) Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. Cos 1 to 9.

**Wis. Admin. Code § Cos 2.045 Services outside of a licensed establishment. (1)** Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions . . . .

**Wis. Admin. Code § Cos 3.02 Other establishment requirements.**

(2) CHAIR OR BOOTH LEASING. An owner may lease a chair or booth to a licensed individual as follows:

(a) A lease agreement shall be in writing.

(b) The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a manager's and an establishment license.

**IV Action Recommended by Attorney and Case Advisor:**

Attorney Norberg has reviewed DLSC Case File 13 BAC 151, including this case summary, and recommends closing the case as to Respondents SRR Salon, Rosenbaum, Falaschi and Katies Salon, Inc. for no violation (NV – There is sufficient evidence to show that no violation of statutes or rules occurred.).

This matter as to Respondents Coca and Tangles Salon Studio has been handled separately.

**V Final Board Decision:**

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  <b>Douglas M. Austin</b> <b>Investigator</b> <b>Division of Legal Services and Compliance</b>		<b>Date When Request Submitted:</b>  <b>2/11/2015</b>	
		Items will be considered late if submitted after 5 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards	
<b>Name of Board, Committee, Council:</b> <b>Cosmetology Examining</b>			
<b>Board Meeting Date:</b>  <b>4/06/2015</b>	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b>  <b>14 BAC 056 Case closing- Respondents G.C., C.L.G., and T.G.</b>	
<b>Place Item in:</b> <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input checked="" type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by _____ <small>(name)</small> <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>  <b>Vicky McNally</b>	
<b>Describe the issue and action the Board should address:</b>  Board needs to consider the case in closed session  Board needs to vote on closure in open session.			
<b>If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:</b>   			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Documents submitted to the agenda must be single-sided. 3. Only copies of the original document will be accepted. 4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
<i>Douglas M. Austin</i>		<b>2/11/2015</b>	
<b>Signature of person making this request</b>		<b>Date</b>	
<b>Supervisor signature (if required)</b>		<b>Date</b>	
<b>Bureau Director signature (indicates approval to add late items to agenda)</b>		<b>Date</b>	



State of Wisconsin  
Department of Safety and Professional Services  
**Correspondence / Memorandum**

**Date:** January 20, 2015                      **File Ref:** 14 BAC 056  
**To:** Case File  
**From:** Douglas M. Austin  
**Subject:** **Case Summary**

**Respondent(s):**

Great Clips  
Credential #39271-80, granted 3/01/2012, renewal 3/31/2015  
Phone No: (920) 915-6090  
Business address: 2008 Jackson St., Oshkosh, WI 54901  
Owner: Maureen Van, Packerland Cuts  
Former Manager of record: Courtney L. Goode (32894-81), manager 3/1/2012 – 8/1/2014  
Current Manager of record: Traci Gennerman (29100-81), manager since 8/1/2014

Goode, Courtney L.  
Credential #32894-81, granted 7/31/2009, renewal 3/31/2015  
Date Of Birth: 06/19/1986  
Phone No: (920) 379-3201  
Address of record: 1254 Conrad St., Oshkosh, WI 54904  
Manager of record at Great Clips 3/1/2012 – 8/1/2014

Gennerman, Traci  
Credential #29100-81, granted 6/20/2002, renewal 3/31/2015  
Date Of Birth: 12/07/1974  
Phone No: None listed  
Address of record: E1718 Pineridge Ln., WI 54981  
Manager of record at Great Clips 8/1/2014 – Present

**Complainant(s):**

Ostrander, Steven M.  
Credential #35532-81, granted 9/15/2014, renewal 3/31/2015  
Credential #90097-82, granted 8/19/2009, renewal 3/31/2015  
DOB: 12/17/1955  
Home address: 1109 E. Irving Ave., Oshkosh, WI 54901  
Home phone: (920) 216-7010  
Relationship to R: former employee

**Case Associate(s):**

Attorney:  
Norberg, Sarah

Investigator:  
Austin, Douglas

Case advisor:  
McNally, Vicky

**I. Complaint:**

Intake Description 08/12/2014  
Sanitation violations. Many times no manager on duty.

**II. Investigative Summary:**

On 7/16/2014, the Department of Safety and Professional Services (DSPS) received a complaint from Steven Ostrander of Oshkosh. Ostrander alleged he was employed by Respondent Great Clips located on 2008 Jackson St., Oshkosh. Ostrander claims he was told by the owner that she (the owner) didn't need to have a manager on duty. Ostrander alleged he was asked multiple times to work by himself as there were many times the licensed manager was not in the salon for various reasons. Ostrander also claimed the "water" for the combs and brushes is rarely changed and the combs and brushes are not cleaned properly.

I completed an unannounced on-site inspection of the salon on 1/15/2015, accompanied by DSPS Investigator Brian Henry. There were two (2) different workstations where cosmetology services were being performed. The inspection revealed the following violations:

**1).** At both workstations that were being used, the workstations had a small amount of loose clipped hair remnants in the storage drawer where clean implements (combs, brushes and scissors) were stored, thereby causing cross contamination of the implements. **2).** A rolling storage cart with pull out storage drawers, where clean and disinfected rollers and hair curling items were stored, was observed stored in an unused workstation, placed under the shelf in the workstation. The sliding doors that closed off the one open side to the cart were not closed, and not covering the opening, thereby allowing hair and other contaminants to sift into the uncovered drawers. However, the open side of the rolling cart was not facing the center of the room, but rather was turned toward and placed up against a wall. **3).** A germicidal agent, bleach, was only being added to white laundry loads, but not to colored loads, where bleaching of colors might take place. A "Notice of Compliance" was sent to the salon on 1/20/2015. No citations were written, as I felt, while there were several violations, all were minor, and easily corrected with a Notice of Compliance.

Photos were taken of all observable violations and placed in the case file and the electronic file.

The DSPS database, ICE, identified Respondent Goode, as no longer being the Manager of Record as of 8/1/2014, with Traci Gennerman named the current manager as of 8/1/2014.

On 2/2/2015, a completed Notice of Compliance was received from Great Clips, clearly identifying the steps taken to correct the noted violations found in the salon. The current manager, Traci Gennerman signed the form.

### **III Violations and Applicable Statutory/Code Citations:**

Wis. Admin. Code § Cos 2.07(2) **Responsibilities of the manager.**

The manager shall post all required licenses, permits and notices.

Wis. Admin. Code § Cos 4.01(1) **Equipment and sanitation.**

All areas of an establishment and the equipment, tools and implements used by licensees for services in an establishment shall be maintained in a clean, sanitary and safe condition.

Wis. Admin. Code § Cos 4.02(4)(6) **Disinfection.**

(4) Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected. (6) Laundry shall be disinfected by washing with a solution containing a germicidal compound.

### **IV Action Recommended by Attorney and Case Advisor:**

Attorney Norberg has reviewed DLSC case file No. 14 BAC 056, including this summary, and recommends closing this file for Prosecutorial Discretion (P2). There may have been a minor or technical violation but a decision was made not to commence formal disciplinary action on the grounds that compliance with statutes or rules has been gained. The manager of record promptly corrected the minor violations noted.

The case advisor concurs with the attorney's recommendation.

### **V Final Board Decision:**





State of Wisconsin  
Department of Safety and Professional Services  
**Correspondence / Memorandum**

**Date:** January 20, 2015                      **File Ref:** 14 BAC 077  
**To:** Case File  
**From:** Douglas M. Austin  
**Subject:** **Case Summary**

**Respondent(s):**

Enscoc, Kathleen L.  
Credential #3617-85, granted 10/15/1998, renewal 3/31/2013 (*in expired status*)  
Date Of Birth: 09/11/1947  
Phone No: (920) 433-0102  
Address of record: 205 W. Mission Rd., Green Bay, WI 54301  
Actual current address: 630 Brule Rd., #33, DePere, WI 54115

**Complainant(s):**

Switzer, Julie  
Business address: DePere Health Dept., 335 S. Broadway, DePere, WI 54115  
Business phone: (920) 339-4054  
Relationship to R: None. Received anonymous information concerning R.

**Case Associate(s):**

Attorney:  
Brauer, Andrea

Investigator:  
Austin, Douglas

Case advisor:  
Allison, Kristin

**I. Complaint:**

Intake Description 09/29/2014  
An anonymous individual called C and reported that R is doing manicures and pedicures out of her home. R's license is expired, and I find no establishment license.

**II. Investigative Summary:**

On 9/12/2014, the Department of Safety and Professional Services received a complaint from Julie Switzer of the DePere Health Department. Switzer reported her department had

received an anonymous telephone complaint claiming Kathleen Enscoe was operating a manicure/pedicure salon out of her home.

I made two (2) trips to DePere to meet with Enscoe in order to verify Switzer's allegation. I did not notify Enscoe that I was coming to meet with her. The first trip was made on 12/18/2014, and I did not find Enscoe at her home. On 12/19/2014, I drafted an e-mail to Enscoe outlining the complaint against her and informing her that she cannot work out of her home. I also informed her that it might be against local zoning ordinances to operate a business out of her home. The e-mail was not returned as not deliverable. However, I have never received a response from Enscoe.

I made a second unannounced trip to Enscoe's DePere condo on 1/15/2015. I again did not find her at home. In the parking lot of the condo development, I happened to meet Leon Mills, the president of the condo association. Mills informed me Enscoe was retired, and he was aware that Enscoe may have been providing services in her condo and had spoken to her concerning the issue. Mills stated until he retired he had owned multiple cosmetology salons in Wisconsin and was well versed in the rules governing manicurists and manicuring establishments. Mills stated he informed Enscoe that to work out of her home, she would have to be licensed as a manicurist, obtain an establishment license, apply to the city zoning department to obtain a variance, and apply to the condo association to obtain approval for operating a business in her condo. Mills knew Enscoe had not done any of those things. Mills stated he told Enscoe the association would never approve an application for a home business if she submitted an application, as they did not want to be responsible for any liability if her customers were injured on the premises. Mills stated after he spoke to Enscoe about the manicure issue, she did not respond in any way to the issue and did not acknowledge if she was offering any kind of service in her condo. Mills stated since he had spoken to Enscoe concerning the issue, he had not seen any evidence Enscoe was providing services to clients.

### **III Violations and Applicable Statutory/Code Citations:**

#### **Wis. Stat. § 454.04(1)(d) Practice.**

No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, cosmetologist license, or cosmetology manager license issued by the examining board that is not an inactive license or temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or cosmetology course of instruction.

#### **Wis. Stat. § 454.08(1)(b) Establishment licenses.**

Except as permitted by rule promulgated under par. (a), no person may practice cosmetology, aesthetics, electrology, or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

#### **Wis. Admin. Code § Cos 2.45(1) Services outside of a licensed establishment.**

Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or

for persons who are in hospitals, nursing homes, correctional institutions or other institutions.

Wis. Admin. Code § Cos 3.01(1)(11) **Establishment requirements.**

(1) Cosmetology, aesthetics, electrology, and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. Cos 2.045. (11) Where an establishment is located in the same building as a residence, the business and living quarters shall be separate.

**IV Action Recommended by Attorney and Case Advisor:**

Attorney Andrea Brauer has reviewed the case file, including this case summary, and recommends closing against Respondent for insufficient evidence (IE – There is insufficient evidence to meet the standard of proof required to prove that a violation occurred.).

The case advisor concurs with the attorney's recommendation.

**V Final Board Decision:**

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b> Beth Cramton, Paralegal on behalf of Attorney Andrea Brauer Division of Legal Services and Compliance	<b>Date When Request Submitted:</b> February 20, 2015 <b>Items will be considered late if submitted after 4:30 p.m. and less than:</b> ▪ 8 work days before the meeting for Medical Board ▪ 8 work days before meeting for all other boards
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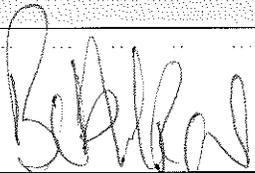
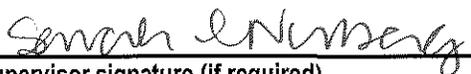
**Name of Board, Committee, Council:**  
Cosmetology Examining Board

<b>Board Meeting Date:</b> March 2, 2015	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> Proposed Stipulation and Final Decision and Order in the matter of case number 13 BAC 096, Meghan M. Daniels
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<b>Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b> Jeffrey Patterson
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**Describe the issue and action the Board should address:**  
The board members need to review and consider the Stipulation and Proposed Final Decision and Order and vote whether to approve it in closed session.

**Authorization:**

	2-20-15
<b>Signature of person making this request</b>	<b>Date</b>
	2/20/15
<b>Supervisor signature (if required)</b>	<b>Date</b>
	2/20/15
<b>Executive Director signature (indicates approval to add late items to agenda)</b>	<b>Date</b>

**Directions for including supporting documents:**

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board's Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
MEGHAN M. DANIELS, :  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 13 BAC 096

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

Meghan M. Daniels  
15077 Brandenburg Ave.  
Merrill, WI 54452

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 Wisconsin 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 Meghan M. Daniels (dob March 5, 1980) is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 30013-81, first issued on June 9, 2004 and current through March 31, 2015. Meghan M. Daniels' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 15077 Brandenburg Ave., Merrill, WI 54452.

2. At all times relevant to these proceedings, Respondent was a booth renter at Images by Meghan, a barbering or cosmetology establishment.

3. From April 1, 2011 to January 10, 2012, Respondent's cosmetology manager license was expired due to nonrenewal.
4. From April 1, 2011 to January 10, 2012, Respondent engaged in cosmetology without holding a current license.
5. From April 1, 2011 to January 10, 2012, Respondent operated Images by Meghan without employing a licensed manager.
6. From April 1, 2011 to May 14, 2013, Images by Meghan's establishment license expired due to nonrenewal.
7. From April 1, 2011 to May 14, 2013, Respondent practiced cosmetology outside of a licensed establishment.
8. 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.04(1)(a) by engaging in cosmetology without holding a current license.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.08(6) and Wis. Admin. Code §§ Cos 2.06(5) and 3.02(1) by operating her establishment without employing a licensed manager.
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 of a licensed establishment.
5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Meghan M. Daniels is **REPRIMANDED**.
3. Respondent shall pay a **FORFEITURE** in the amount of \$1000 and **COSTS** of this matter in the amount of \$285, subject to the following terms and conditions:
  - a. Within 30 days from the date of this Order, \$285;

- b. Within 60 days from the date of this Order, \$200;
- c. Within 90 days from the date of this Order, \$200;
- d. Within 120 days from the date of this Order, \$200;
- e. Within 150 days from the date of this Order, \$200, and;
- f. Within 180 days from the date of this Order, \$200.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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) 267-3817; Fax (608) 266-2264  
 DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 30013-81) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: \_\_\_\_\_  
 A Member of the Board

\_\_\_\_\_ Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
MEGHAN M. DANIELS, : STIPULATION  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 13 BAC 096

Respondent Meghan M. Daniels 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.



Meghan M. Daniels, Respondent  
15077 Brandenburg Ave.  
Merrill, WI 54452  
License no. 30013-81



Date



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



Date

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b> Beth Cramton, Paralegal on behalf of Attorney Andrea Brauer Division of Legal Services and Compliance	<b>Date When Request Submitted:</b> February 20, 2015 <b>Items will be considered late if submitted after 4:30 p.m. and less than:</b> ▪ 8 work days before the meeting for Medical Board ▪ 8 work days before meeting for all other boards
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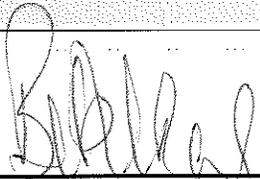
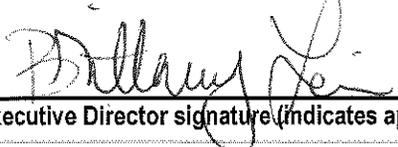
**Name of Board, Committee, Council:**  
Cosmetology Examining Board

<b>Board Meeting Date:</b> March 2, 2015	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> Proposed Stipulation and Final Decision and Order in the matter of case number 13 BAC 096, Sandra A. Gipple
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<b>Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b> Jeffrey Patterson
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**Describe the issue and action the Board should address:**  
The board members need to review and consider the Stipulation and Proposed Final Decision and Order and vote whether to approve it in closed session.

**Authorization:**

	2-20-15
<b>Signature of person making this request</b>	<b>Date</b>
	2/20/15
<b>Supervisor signature (if required)</b>	<b>Date</b>
	2/20/15
<b>Executive Director signature (Indicates approval to add late items to agenda)</b>	<b>Date</b>

**Directions for including supporting documents:**

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board's Executive Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
SANDRA A. GIPPLE, :  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 13 BAC 096

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

Sandra A. Gipple  
W7289 Rose Len Court  
Merrill, WI 54452

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 Wisconsin 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 Sandra A. Gipple (dob December 20, 1962) is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 23820-81, first issued on May 1, 1990 and current through March 31, 2015. Sandra A. Gipple's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7289 Rose Len Court, Merrill, WI 54452.

2. Since at least January 1, 2013, Respondent has leased out a booth at her salon Images, a barbering or cosmetology establishment.

3. From at least January 1, 2013 to May 14, 2013, the booth lessee practiced cosmetology from her booth at Images without holding an establishment license.

4. 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized practice of cosmetology.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Sandra A. Gipple is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$285.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 23820-81) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: \_\_\_\_\_  
A Member of the Board

\_\_\_\_\_ Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
SANDRA A. GIPPLE, :  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 13 BAC 096

Respondent Sandra A. Gipple 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

RECEIVED

OCT 23 10



OSPS

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.

Sandra A. Gipple  
Sandra A. Gipple, Respondent  
W7289 Rose Len Court  
Merrill, WI 54452  
License no. 23820-81

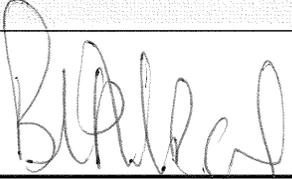
Oct 21-2014  
Date

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

Oct 27, 2014  
Date

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  Beth Cramton on behalf of Attorney Sarah Norberg Division of Legal Services and Compliance		<b>Date When Request Submitted:</b>  February 25, 2015 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards	
<b>Name of Board, Committee, Council:</b>  Cosmetology Examining Board			
<b>Board Meeting Date:</b>  March 2, 2015	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> Proposed Final Decision and Order of Default in the matter of case number 13 BAC 135, Dung H. Nguyen and Hollywood Nails	
<b>Place Item in:</b> <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>  Vicky McNally	
<b>Describe the issue and action the Board should address:</b>  The board members need to review and consider the Proposed Final Decision and Order of Default and vote whether to approve it in closed session.			
<b>Authorization:</b>			
		2.25.15	
Signature of person making this request		Date	
Supervisor signature (if required)		Date	
Executive Director signature (indicates approval to add late items to agenda)		Date	
<b>Directions for including supporting documents:</b>  1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board's Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DUNG H. NGUYEN and : OF DEFAULT  
HOLLYWOOD NAILS, :  
RESPONDENTS. :

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Division of Legal Services and Compliance Case File Number 13 BAC 135

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

Dung H. Nguyen  
Hollywood Nails  
807 S. Military Ave.  
Green Bay, WI 54303

Wisconsin Cosmetology Examining Board  
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

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as citations to which Respondents Dung H. Nguyen and Hollywood Nails have not made a deposit. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Dung H. Nguyen (dob October 23, 1951) is licensed in the State of Wisconsin as a cosmetology practitioner, having license number 90415-82, first issued on November 17, 2009 and current through March 31, 2015. Dung H. Nguyen's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 807 S. Military Avenue, Green Bay, Wisconsin 54304.

2. Respondent Hollywood Nails is licensed in the State of Wisconsin as a manicuring establishment, having license number 3781-71, first issued on March 3, 2011 and

current through March 31, 2015. Hollywood Nail's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 807 S. Military Avenue, Green Bay, Wisconsin 54304. Respondent Dung H. Nguyen is identified in Department records and the licensee in responsible charge of Respondent Hollywood Nails.

3. On March 24, 2014, following an inspection on March 20, 2014, a Division of Legal Services and Compliance (Division) investigator issued three citations to Respondents for violations of Wis. Admin. Code §§ Cos 2.03(9), 3.01(6) and 4.10(5) [sic]. Service was accomplished by mail.

4. On or about September 6, 2014, the Division investigator received the total forfeiture amount from Respondents.

5. On September 30, 2014, the Board approved the three citations against Respondents (Order Nos. 0003450 and 0003451, respectively). True and correct copies of these citations are attached as Exhibit A and is incorporated herein by reference.

6. On or about November 10, 2014, Respondents' payment was returned for non-sufficient funds. On that same day, Respondents were sent an invoice requesting payment by no later than December 25, 2014. To date, Respondents have not paid the citations that were issued to them on March 24, 2014.

#### CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondents violated Wis. Admin. Code § Cos 2.03(9) by using methyl methacrylate monomer in liquid form.

3. Respondents violated Wis. Admin. Code § Cos 3.01(6) by failing to have poisonous substances locked in a cabinet or closet.

4. Respondents violated Wis. Admin. Code § Cos 4.10(5) [sic] by failing to dispose of manicure instruments that cannot be cleaned and disinfected or sterilized.

5. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

6. Respondents are in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit to the citations.

7. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondents for the amounts identified in the citations without further proceedings.

ORDER

1. Respondents are in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$1,350.00 within thirty (30) days from the date of this Order.

2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817, Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a refusal to renew a credential or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

\_\_\_\_\_   
A Member of the Board

\_\_\_\_\_   
Date

# Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935  
Madison, WI 53708-8935

FAX #: (608) 266-2264  
Phone #: (608) 266-2112

1400 E. Washington Avenue  
Madison, WI 53703

E-Mail: web@drl.state.wi.us  
Website: http://drl.wi.gov

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## BARBERING AND COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

0003451

<input checked="" type="checkbox"/> CITATION DOE CASE FILE # <u>13 BAC 135</u>	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<input type="checkbox"/> Individual Credential Holder Name License # _____	OR <input checked="" type="checkbox"/> Establishment Name License # <u>3781-71</u>

807 S. MILITARY AV. GREEN BAY 54303  
Street City Zip

THURSDAY 3/20/2014 10:30 AM APPRO  
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

DURING MY INSPECTION OF THIS ESTABLISHMENT I FOUND THREE (3)  
LEGAL BOTTLES OF METHYL METHACRYLATE MONOMER (MMA), TWO FULL BOTTLES,  
ONE BOTTLE APPROXIMATELY 1/4 FULL. I CONFISCATED ALL THREE BOTTLES, AS  
MMA IS ILLEGAL TO USE IN WI.

In violation of Section Cos 2.03(9) of  Wis. Stats. OR  Wis. Adm. Code

[Signature] CONSUMER PROTECTION INVESTIGATOR 3/21/14  
Signature of Investigative Staff Title Date

Signature of  Licensee OR  Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

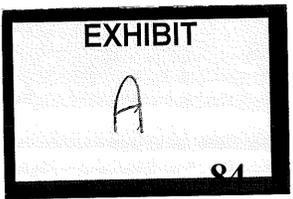
PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 1000.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

*Merri Reuter*

#2683 (8/08)  
Ch. 454, Stats.

Committed to Equal Opportunity in Employment and Licensing



# Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935  
Madison, WI 53708-8935

1400 E. Washington Avenue  
Madison, WI 53703

FAX #: (608) 266-2264  
Phone #: (608) 266-2112

E-Mail: web@drl.state.wi.us  
Website: http://drl.wi.gov

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## BARBERING AND COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

0003450

<input checked="" type="checkbox"/> CITATION	<input type="checkbox"/> FINAL DECISION AND ORDER	
DOE CASE FILE # <u>13 BAC 135</u>	LS # _____	
<u>DUNG H. NGUYEN</u>	<u>HOLLYWOOD NAILS</u>	
<input checked="" type="checkbox"/> Individual Credential Holder Name	OR	<input checked="" type="checkbox"/> Establishment Name
License # <u>90415-82</u>		License # <u>3281-71</u>

807 S. MILITARY AVE. GREEN BAY 54303  
Street City Zip

THURSDAY 3/20/2014 10:30 am APPROX  
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

DURING MY INSPECTION OF THE ESTABLISHMENT, I FOUND POISONOUS  
SUBSTANCES (GLASS CLEANER, 409 CLEANER, TOILET BOWL CLEANER & AIR FRESHNER)  
STORED IN A PUBLIC AREA (TWO BATHROOMS) AND NOT LOCKED IN A CABINET OR  
CLOSET.

In violation of Section Cos 3.01 (6) of  Wis. Stats. OR  Wis. Adm. Code

Douglas M. Austin CONSUMER PROTECTION INVESTIGATOR 3/21/2014  
Signature of Investigative Staff Title Date

Benedict  Licensee OR  Establishment Owner 9/6/14  
Signature of Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 100.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

*Terri Reuter*

# Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935  
Madison, WI 53708-8935

1400 E. Washington Avenue  
Madison, WI 53703

FAX #: (608) 266-2264  
Phone#: (608) 266-2112

E-Mail: web@drl.state.wi.us  
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## BARBERING AND COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

0003451

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<input type="checkbox"/> Individual Credential Holder Name License # _____	OR <input checked="" type="checkbox"/> Establishment Name License # <u>3281-71</u>

807 S. MILITARY AVE. GARREN BAY 54303  
Street City Zip

THURSDAY 3/20/2014 10:30 AM APPROX.  
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

DURING MY INSPECTION OF THE ESTABLISHMENT, I FOUND A NUMBER  
OF PREVIOUSLY USED BURFER BLOCKS & EMBLY BOARDS AT VARIOUS  
MANICURE & PEDICURE WORKSTATIONS. SOME OF THE PREVIOUS USED IMPLEMENTS  
WERE STORED IN WITH UNUSED "CLEAN" IMPLEMENTS.

In violation of Section COS 4.10(5) of  Wis. Stats. OR  Wis. Adm. Code

D. J. Austin CONSUMER PROTECTION INVESTIGATOR 3/21/14  
Signature of Investigative Staff Title Date

Signature of  Licensee OR  Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 250.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

*Gerri Reuter*

#2683 (8/08)  
Ch. 454, Stats.

Committed to Equal Opportunity in Employment and Licensing