



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
February 1, 2016

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:**
 - 1. November 16, 2015 **(4-6)**
- C. Administrative Matters (7-11)**
 - 1. **Election of Officers**
 - 2. **Liaison Appointments and Delegated Authorities**
 - 3. Staff Updates
- D. Legislative and Administrative Rule Matters – Discussion and Consideration**
 - 1. Update on Cos 1-11 Relating to Cosmetology Schooling, Licensure and Practice Requirements
 - 2. Update on Legislation and Pending and Possible Rulemaking Projects
- E. Speaking Engagements, Travel, or Public Relation Requests (12)**
 - 1. National Interstate Council of State Boards of Cosmetology (NIC) Regional Meeting, April 1-3, 2016 in Nashville, TN – Consider Attendance
- F. Deliberation on Items Added After Preparation of Agenda:**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Board Officers
 - 3. Appointment of Board Liaison(s)
 - 4. Administrative Matters
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislation/Administrative Rule Matters
 - 9. Liaison Reports
 - 10. Informational Items
 - 11. Disciplinary Matters

12. Presentations of Petitions for Summary Suspension
13. Petitions for Designation of Hearing Examiner
14. Presentation of Proposed Stipulations, Final Decisions and Orders
15. Presentation of Proposed Final Decision and Orders
16. Presentation of Interim Orders
17. Petitions for Re-Hearing
18. Petitions for Assessments
19. Petitions to Vacate Orders
20. Request for Disciplinary Proceeding Presentations
21. Motions
22. Petitions
23. Appearances from Requests Received or Renewed
24. Speaking Engagements, Travel, or Public Relation Requests

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. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1. **Proposed Stipulations, Final Decisions and Orders**
 - a) 14 BAC 031 – Lynn M. Moritz **(13-18)**
2. **Case Closures**
 - a) 14 BAC 039 **(19-23)**
 - b) 14 BAC 046 **(24-31)**
 - c) 14 BAC 057 **(32-35)**
 - d) 15 BAC 024 **(36-38)**
 - e) 15 BAC 029 **(39-42)**
 - f) 15 BAC 073 **(43-46)**
 - g) 15 BAC 078 **(47-49)**
 - h) 15 BAC 103 **(50-53)**

I. Deliberation of Items Added After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. Disciplinary Matters
4. Monitoring Matters
5. Professional Assistance Procedure (PAP) Matters
6. Petitions for Summary Suspension
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulations, Final Decision(s) and Order(s)
9. Administrative Warnings
10. Review of Administrative Warnings
11. Proposed Final Decisions and Orders
12. Orders Fixing Costs/Matters Related to Costs
13. Case Closings

14. Proposed Interim Orders
15. Petitions for Assessments and Evaluations
16. Petitions to Vacate Orders
17. Remedial Education Cases
18. Motions
19. Petitions for Re-hearings
20. Appearances from Requests Received or Renewed

J. 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

K. Forfeiture Discussion

ADJOURNMENT

NEXT MEETING: APRIL 4, 2016

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
November 16, 2015**

PRESENT: Kristin Allison(*via GoToMeeting,*) Vicky McNally, Suresh Misra, Gail Sengbusch(*via GoToMeeting,*) Denise Trokan, Dianna Wachter

EXCUSED: Lori Paul

STAFF: Brittany Lewin, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:30 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Dianna Wachter moved, seconded by Denise Trokan, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Suresh Misra moved, seconded by Dianna Wachter, to approve the minutes of September 21, 2015 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Adoption Order – CR15-035 – Cosmetology Schooling, Licensure, and Practice Requirements:

MOTION: Suresh Misra moved, seconded by Kristin Allison, to approve the Adoption Order for Clearinghouse Rule 15-035. Motion carried unanimously.

ADMINISTRATIVE MATTERS

MOTION: Dianna Wachter moved, seconded by Suresh Misra, to authorize and delegate the Credentialing Attorney to make decisions regarding conviction review approving credentials according to Wis. Stats. 454.06. All potential denials will be reviewed by the Credentialing Liaison. Motion carried unanimously.

CLOSED SESSION

MOTION: Dianna Wachter moved, seconded by Gail Sengbusch, 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.). Vicky McNally 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; Suresh Misra – yes; Gail Sengbusch – yes; Denise Trokan – yes; Dianna Wachter – yes. Motion carried unanimously.

The Board convened into closed session at 9:59 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kristin Allison moved, seconded by Suresh Misra, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:05 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Suresh Misra moved, seconded by Denise Trokan, to affirm all motions made in closed session. Motion carried unanimously.

DELIBERATION ON ADMINISTRATIVE WARNINGS

15 BAC 044 – A.L.W.

MOTION: Gail Sengbusch moved, seconded by Suresh Misra, to issue an Administrative Warning in the matter of DLSC case number 15 BAC 044 A.L.W. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS, AND ORDERS

14 BAC 045 – Annie K. Tran

MOTION: Dianna Wachter moved, seconded by Denise Trokan, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Annie K. Tran, DLSC case number 14 BAC 045. Motion carried unanimously.

CASE CLOSINGS

MOTION: Suresh Misra moved, seconded by Denise Trokan, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 BAC 011 (R.L. and H.A., LLC) **Insufficient Evidence**
2. 14 BAC 027 (D.D.K.) **Prosecutorial Discretion (P3)**
3. 14 BAC 034 (A.C.A.T.R.) **Lack of Jurisdiction (L2)**
4. 14 BAC 045 (N.N.T.) **Lack of Jurisdiction (L2)**
5. 14 BAC 058 (C.N. and L.T.N.) **Prosecutorial Discretion (P2)**
6. 14 BAC 061 (A.M.S. and H.B.S.S.) **Insufficient Evidence**
7. 14 BAC 067 (M.H. and T.N.B.A.B.S.) **Insufficient Evidence**
8. 14 BAC 068 (H.V.N., L.T.N., H.N. 1825-71) **Insufficient Evidence**
9. 14 BAC 068 (H.N. 1182-69) **No Violation**
10. 15 BAC 035 (P.N.B., A.R.M., I.M.H., M.R.H.) **Prosecutorial Discretion (P2)**
11. 15 BAC 052 (J.H.) **No Violation**
12. 15 BAC 086 (M.H., T.N.B.A.B.S.) **Insufficient Evidence**

Motion carried unanimously.

ADJOURNMENT

MOTION: Dianna Wachter moved, seconded by Denise Trokan, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 10:55 a.m.

DRAFT

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

AGENDA REQUEST FORM

| | | | | | | | | | | | |
|--|--|--|--|-----------------------|-----------------|---|------|--------------------------|------|--|--|
| 1) Name and Title of Person Submitting the Request: Nifty Lynn Dio, Bureau Assistant | | 2) Date When Request Submitted: 12/23/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting | | | | | | | | | |
| 3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board | | | | | | | | | | | |
| 4) Meeting Date: 02/01/2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Updates 1. Election of Officers 2. Liaison Appointments and Delegated Authorities | | | | | | | | | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <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: 1. Elect Officers for 2016 2. The Chair Appoints Liaisons 3. The Board should consider continuation or modification of previously delegated authorities | | | | | | | | | | | |
| 11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Nifty Lynn Dio</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">12/23/15</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table> | | | | Nifty Lynn Dio | 12/23/15 | Signature of person making this request | Date | Supervisor (if required) | Date | Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | |
| Nifty Lynn Dio | 12/23/15 | | | | | | | | | | |
| Signature of person making this request | Date | | | | | | | | | | |
| Supervisor (if required) | Date | | | | | | | | | | |
| Executive 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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | | | | | | | | | |

Cosmetology Examining Board

| 2015 OFFICER ELECTION RESULTS | |
|-------------------------------|------------------|
| Board Chair | Geraldine Reuter |
| Vice Chair | Vicky McNally |
| Secretary | Kristin Allison |

APPOINTMENT OF LIAISONS

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

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.

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

AGENDA REQUEST FORM

| | | | | | | | | | | | | | | | |
|--|--|--|--|------------|---|--------------------------------------|---|--|------|--------------------------|--|------|--|--|------|
| 1) Name and Title of Person Submitting the Request: Kelley Sankbeil Monitoring Supervisor Division of Legal Services and Compliance | | 2) Date When Request Submitted: January 9, 2016 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | | | | | | | | | | | | | |
| 3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board | | | | | | | | | | | | | | | |
| 4) Meeting Date: February 1, 2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Delegation of Authority to Monitoring Liaison and Department Monitor | | | | | | | | | | | | | |
| 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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | | | | | | | | | | | | | |
| 10) Describe the issue and action that should be addressed: Delegated Authority Motion: <i>“ _____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i> | | | | | | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; border: none;">11)</td> <td style="width: 60%; border: none; text-align: center;">  </td> <td style="width: 30%; border: none; text-align: center;"> Authorization January 9, 2016 </td> </tr> <tr> <td style="border: none;">Signature of person making this request</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">Date</td> </tr> <tr> <td style="border: none;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">Date</td> </tr> </table> | | | | 11) |  | Authorization January 9, 2016 | Signature of person making this request | | Date | Supervisor (if required) | | Date | Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date |
| 11) |  | Authorization January 9, 2016 | | | | | | | | | | | | | |
| Signature of person making this request | | Date | | | | | | | | | | | | | |
| Supervisor (if required) | | Date | | | | | | | | | | | | | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | | | | | | | | | | | | | |
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
- 8. Grant or deny a request to appear before the Board/Section in closed session.**

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

December 16, 2015

Wisconsin Cosmetology Examining Board
PO Box 8935
1400 E. Washington Ave.
Madison WI 53703

Whom It May Concern:

I am happy to inform you that I have been elected Region 2 Director of the The National Interstate Council of State Boards of Cosmetology (NIC) The state of Wisconsin is included in Region 2. I am looking forward to serving you in any way possible for the next year. The mission of the NIC is to protect the health safety of the public by pursuing excellence in cosmetology and related fields.

I would like to take this opportunity to invite you to participate in the NIC Regional Meeting to be held in Nashville, TN on April 1, 2016 through April 3, 2016, at the Renaissance Hotel.

If you are not an active member of NIC , I urge you to join and get involved. Your help is needed so we can ensure that the professionalism associated in our industry remains.

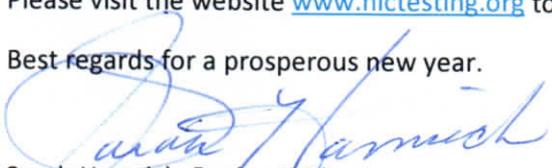
National standardized regulations in health and education begets a safer environment for the public and makes a seamless transition when applying for reciprocity.

The Regional meeting will depict speakers who will motivate and educate you, and with open and friendly round table discussions, each of you will be given time to discuss the issues facing your respective state and the industry as a whole.

Deregulation, jeopardizing the health and safety of the public has become a National problem. Please consider getting involved and become proactive in protecting our industry to ensure that National Standards are in place to ensure we are moving in the right direction. If I can answer any questions please feel free to contact me at any time at shamrick.nic@gmail.com or 304-444-6189.

Please visit the website www.nictesting.org to find out more about our mission statement.

Best regards for a prosperous new year.


Sarah Hamrick, Region II Director

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