

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
November 17, 2014**

PRESENT: Kristin Allison, Vicky McNally, Lori Paul, Geraldine Reuter, Gail Sengbusch

STAFF: Brittany Lewin, Executive Director; Taylor Thompson, Bureau Assistant; and other Department staff

CALL TO ORDER

Geraldine Reuter, Chair, called the meeting to order at 9:41 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Vicky McNally moved, seconded by Lori Paul, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 30, 2014

MOTION: Lori Paul moved, seconded by Vicky McNally, to approve the minutes of September 30, 2014 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Wis. Admin. Code Ch. Cos 5 Course of Instruction

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to approve the Emergency rule draft of COS 5 as amended for forwarding to the Governor's Office. Motion carried unanimously.

MOTION: Lori Paul moved, seconded by Kristin Allison, to approve the public hearing draft of COS 5 as amended as the proposed permanent rule. Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Vicky McNally, to appoint the Board Chair to adopt the final Emergency Rule of Cos 5 course of instruction before forwarding the rule for publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Kristin Allison moved, seconded by Vicky McNally, 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. Motion carried unanimously.

The Board convened into closed session at 11:42 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into open session at 12:16 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

MONITORING MATTERS

Liv Mueller & Salon Divine – Petition for Payment Plan

MOTION: Kristin Allison moved, seconded by Lori Paul, to grant the request of Liv Mueller & Salon Divine for a payment plan of \$100.00 per month for 10 months. Motion carried unanimously.

Nicole Schwark & East Town Spa Inc. – Petition for Payment Plan

MOTION: Kristin Allison moved, seconded by Lori Paul, to grant the request of Nicole Schwark & East Town Spa Inc. for a payment plan of \$50.00 per month for herself and \$50.00 per month for East Town Spa Inc. for a total of \$100.00 a month for 20 months. All other terms of the original order remain in effect. 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) 14 BAC 050 (K.N.)
- b) 14 BAC 063 (N.K.T.)
- c) 14 UNL 063 (E.T.)

Motion carried unanimously.

CITATION PAYMENT PLAN

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to approve of the citation payment plan for 14 BAC 036 (U.S.N. and N.H.L.). Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Kristin Allison moved, seconded by Vicky McNally, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Chau T. Nguyen and Nails Plus Spa, case 13 BAC 101**. Motion carried unanimously.

MOTION: Vicky McNally moved, seconded by Kristin Allison, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Thuy Tu T. Nguyen, case 13 BAC 107**. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS OF DEFAULT

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order of Default in the matter of disciplinary proceedings against **Askia X. Lawrence, case 13 BAC 009**. Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Lori Paul, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order of Default in the matter of disciplinary proceedings against **Jalena R. Boden, case 14 BAC 051**. Motion carried unanimously.

**PROPOSED FINAL DECISION AND ORDER: IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST
JOSLYN J. WINTER, RESPONDENT
(DHA CASE SPS-14-0038)(DLSC CASE 12 BAC 104)**

MOTION: Kristin Allison moved, seconded by Vicky McNally, to adopt the ALJ's proposed Final Decision and Order with variance as follows: the discipline attaching to Josie's Studio One Salon is revocation of license and/or revocation of right to renew, in the matter of disciplinary proceedings against **Joslyn J. Winter (DHA case SPS-14-0038) (DLSC case 12 BAC 104)**. Motion carried unanimously.

CASE CLOSINGS

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

- a) 13 BAC 015 (D.R.D.) for Lack of Jurisdiction (L2)
- b) 13 BAC 084 (F.I.H.S.) for Prosecutorial Discretion (P1)
- c) 13 BAC 107 (4 Seasons Nail & Spa) for No Violation (NV)
- d) 13 BAC 110 (D.H.N., H.P., and P.N.) for Insufficient Evidence (IE)
- e) 13 BAC 142 (J.M.A.) for Insufficient Evidence (IE)
- f) 14 BAC 001 (H.M.H. and H.M.H.D.) for Insufficient Evidence (IE)
- g) 14 BAC 010 (L.C.P.) for Insufficient Evidence (IE)
- h) 14 BAC 021 (M.E.C.) for Prosecutorial Discretion (P3)
- i) 14 BAC 021 (H.D.S.) for Prosecutorial Discretion (P1)
- j) 14 BAC 030 (F.S.) for Prosecutorial Discretion (P3)
- k) 14 BAC 030 (S.L.W.) for no violation (NV)

Motion carried unanimously.

RESCIND ORDERS AND CLOSE CASES

13 BAC 138 (J.N. and S.N.)

MOTION: Lori Paul moved, seconded by Kristin Allison, to rescind motion from September 30, 2014 to close the case against S.N. (13 BAC 138) for P7. Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Gail Sengbusch, to rescind motion from September 30, 2014 to close the case against J.N. (13 BAC 138). Motion carried unanimously.

13 BAC 162 (M.S.N. and Q.M.N.)

MOTION: Kristin Allison moved, seconded by Vicky McNally, to rescind motion from September 30, 2014 to close the case against Q.M.N. (13 BAC 162) for P7. Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Lori Paul, to rescind motion from September 30, 2014 to close the case against M.S.N. (13 BAC 162). Motion carried unanimously.

ADJOURNMENT

MOTION: Vicky McNally moved, seconded by Kristin Allison, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:19 p.m.