

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR

AN ADMINISTRATIVE INJUNCTION

FINAL DECISION AND ORDER

INVOLVING

LS9901191RAL

WILLIE MOORE,

RESPONDENT

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 8th day of March, 1999.

Marlene A. Cummings, Secretary

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF A PETITION

FOR AN ADMINISTRATIVE INJUNCTION AGAINST

WILLIE MOORE

Respondent

PROPOSED DECISION

The parties to this matter for the purposes of sec. 227.53, Stats., are:

*Willie Moore
Cole's Appointment Barber Shop
2535 West Center Street
Milwaukee, WI 53206*

*State of Wisconsin
Department of Regulation & Licensing
1500 East Washington Avenue
P.O. Box 8935
Madison, WI 53708*

*Department of Regulation & Licensing
Division of Enforcement
1500 East Washington Avenue
P.O. Box 8935
Madison, WI 53708*

A hearing was held in the above-captioned matter on February 15, 1999, at 1400 East Washington Avenue, Madison, Wisconsin. Appearing for the Division of Enforcement was Attorney Steven M. Gloe. Respondent did not appear, nor did anyone appear to represent him.

Based upon the entire record in this case, the administrative law judge recommends that the department of Regulation & Licensing adopt as its final decision in the matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. In January, 1999, an inspection by the Division of Enforcement of Cole's Appointment Barber Shop, located at 2535 West Center Street, Milwaukee, Wisconsin, revealed that there was a barber-cosmetology work station established in the shop for the respondent herein, Willie Moore. At the time of the inspection, Mr. Moore was not observed to be providing barbering or cosmetology services.
2. Following the inspection by the Division of Enforcement, Investigator Cynthia Thomas of the Division of Enforcement telephoned Cole's Appointment Barber Shop on January 14, 1999, and inquired about a haircut appointment for her son. She was referred to Willie Moore, who spoke with Ms. Thomas on the telephone and specifically identified himself as Willie Moore. At that time, Ms. Thomas asked for an appointment for her son for the next morning, and Mr. Moore accepted the appointment.

3. There is a preponderance of evidence establishing that respondent practiced barbering or cosmetology at Cole's Appointment Barber Shop during the month of January, 1999.

4. The respondent, Willie Moore, does not now hold and has never held a barber or cosmetologist license, manager license or temporary permit issued by the examining board, and is not an apprentice under sec. 454.10, Stats., or a student in a barbering or cosmetology course of instruction.

5. Under sec. 454.04(1)(a), Stats., no person may engage in barbering or cosmetology unless the person holds a current barber or cosmetologist license, manager license or temporary permit issued by the examining board or is an apprentice under sec. 454.10, Stats., or a student in a barbering or cosmetology course of instruction.

CONCLUSION OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to sec. 454.15 and 440.21, Stats.

2. There is a preponderance of evidence establishing that respondent practiced barbering or cosmetology at Cole's Appointment Barber Shop during the month of January, 1999, in violation of sec. 454.04(1)(a).

3. Pursuant to sec. 440.21, Stats., the department has authority to issue an order enjoining respondent from the continuation of the practice of barbering or cosmetology.

ORDER

NOW, THEREFORE, IT IS ORDERED that Willie Smith is hereby enjoined from practicing barbering or cosmetology in the State of Wisconsin unless he holds a current barber or cosmetologist license, manager license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.

OPINION

While no employee of the Division of Enforcement has ever actually observed Mr. Moore providing barbering or cosmetology services (and in fact may not have actually observed that person identified herein as Willie Moore), there is satisfactory evidence that Mr. Moore was, during the period alleged in the Complaint, employed at Cole's Appointment Barber shop to provide barbering and cosmetology services, and that at least during the month of January, 1999, he did in fact provide such services. Section 454.04(1)(a), Stats., specifically prohibits one not licensed to practice barbering or cosmetology from engaging in those practices, and there is no person named Willie Moore who is licensed to practice barbering or cosmetology. There are therefore grounds for issuing an administrative injunction forbidding Mr. Moore from continuing in that practice.

Dated this 17th day of February, 1999.

Respectfully submitted,

Wayne R. Austin

Administrative Law Judge

