

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)



1925 West Hampton Avenue  
Milwaukee, Wisconsin 53209

Department of Regulation & Licensing  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

This proceeding was commenced by the filing of a Notice of Hearing and Petition for Injunction on October 24, 2000. A Hearing was held in the above-captioned matter on November 21, 2000. Attorney Colleen M. Baird appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Christopher Martin, did not appear at the hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

#### **FINDINGS OF FACT**

1. Beginning on exact dates unknown, but at least on July 7, 2000, respondent, Christopher Martin, aka Christopher Paul, was observed by the Department of Regulation and Licensing Investigator Cynthia Thomas, to be engaged in the practice of barbering or cosmetology at Black and Proud Beauty Salon, a barbering and cosmetology establishment.
2. Black and Proud Beauty Salon is owned by Corey Wilson and Charlene Wilson-Durr and is located at 1925 West Hampton, Milwaukee, Wisconsin 53209. Black and Proud Beauty Salon is a licensed establishment (#80-26296), having received its license on March 21, 1997. The establishment license has been renewed and is current through June 30, 2001.
3. Respondent is not, and was not at any time relevant to this action, licensed as a barber or cosmetologist in the state of Wisconsin.
4. A copy of the Notice of Hearing and the Petition for Injunction was mailed to the respondent, by certified mail, on October 24, 2000.
5. Respondent did not file an Answer to the Petition for Injunction and did not appear at the hearing held in this matter.

#### **CONCLUSIONS OF LAW**

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to s. 440.21, Stats.
2. By engaging in the practice of barbering and cosmetology without a barber or cosmetologist license, as required under ch. 454, Stats., respondent violated s. 454.04 (1)(a), Stats.
3. The respondent, Christopher Martin, is in default under s. RL 3.13 Wis. Adm. Code.

#### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that Christopher Martin (aka Christopher Paul) be, and hereby is, enjoined from engaging in the practice of barbering or cosmetology unless and until he has been granted a barber or cosmetologist license, as required under s. 454.04 (1) (a), Stats.

This order is effective as of the dated it is signed by the Department's designee.

### **OPINION**

The evidence presented establishes that, at least on July 7, 2000, Mr. Martin engaged in the practice of barbering or cosmetology at Black and Proud Beauty Salon, a licensed establishment located in Milwaukee, Wisconsin. Mr. Martin is not, and was not at any time relevant to this action, licensed as a barber or cosmetologist in the state of Wisconsin, as required under s. 454.04 (1)(a), Stats.

The Department of Regulation and Licensing is authorized under s. 440.21 (2), Stats., to issue administrative injunctions. That provisions states that if, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480, the department may issue a special order enjoining the person from the continuation of the practice or use of the title. The issuance of an administrative injunction is clearly appropriate in this case.

The purpose of licensing statutes is not to benefit those persons licensed to practice under the statute, but rather to protect the public by the requirement of a license as a condition precedent to practicing in a given profession. such statutes are grounded in the state's police power to protect the public welfare through safeguarding the life, health, and property of its citizens. Gilbert v. Medical Examining Board, 119 Wis. 2d 168, 188, 349 N.W. 2d 68 (1984).

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 1<sup>st</sup> day of December, 2000.

Respectfully submitted,

Ruby Jefferson-Moore

Administrative Law Judge