

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
:
MARIA E. CADAVID AND :
MARY'S BEAUTY SALON, :
RESPONDENTS. : LS0609112BAC

Division of Enforcement Case No. 05 BAC 092

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

Mary's Beauty Salon
2109 52nd St.
Kenosha, WI 53142

Maria E. Cadavid
6403 39th St.
Kenosha, WI 53142

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 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

1. Respondent **Mary's Beauty Salon** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-30426. This license was first granted to it on 04/30/02. The most recent address on file with the Department of Regulation and Licensing for this establishment is 2109 52nd St., Kenosha, WI 53142.

2. Respondent **Maria E. Cadavid** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81-28107. This license was first granted to her on 01/06/00. The most recent address on file with the Department of Regulation and Licensing for Ms. Cadavid is 6403 39th Ave., Kenosha, WI 53142.

3. Ms. Cadavid is listed with the Department of Regulation and Licensing as the owner and manager of Mary Beauty Salon. As owner and manager, Ms. Cadavid was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

4. On April 19, 2006, an investigator from the Department of Regulation and Licensing performed an inspection at Mary's Beauty Salon. During the inspection the only person present in the salon was Lilia Hernandez. Ms. Hernandez claimed that she does not provide services to clients although there was a work station with cut hair on the floor.

5. Ms. Cadavid arrived a few minutes later and denied that Ms. Hernandez was providing services.

6. The investigator located three spiral notebooks under the reception counter. One notebook had the name Mary on the cover, another notebook had the name Lilia on the cover and the third notebook had the name Noemi on the cover. All three notebooks had dated entries starting from approximately January 2, 2006, through April 18, 2006. The dated entries listed names and a monetary amount next to individual names.

7. Ms. Cadavid admitted that one notebook belonged to her, a second notebook belonged to Ms. Hernandez and the third notebook belonged to Noemi Gutierrez.

8. At the time of the inspection, neither Lilia Hernandez nor Noemi Gutierrez had a valid Wisconsin Barbering and Cosmetology license. Ms. Cadavid admitted that Lilia Hernandez and Noemi Gutierrez had been working at the salon providing services since November of 2005.

9. During the inspection on April 19, 2006, the investigator also found the following:

hair clippings throughout the salon including inside the workstation drawers and on implements;
dirty combs in an uncovered plastic container;
electric razors containing hair debris;
only one covered container of Barbicide which Ms. Cadavid stated was changed only every two weeks;
poisonous substances in an unlocked cabinet; and
neither a list of cost of services posted in the salon, nor a sign displayed informing patrons of their right to be informed of the cost of services.

10. At the conclusion of the inspection on April 19, 2006, the investigator issued an Order to Correct to Ms. Cadavid, requesting that she take corrective measures for the above mentioned violations by April 26, 2006.

11. On May 8, 2006, Ms. Cadavid returned the Order to Correct listing the action taken to correct the violations. Ms. Cadavid indicated that Lilia Hernandez and Noemi Gutierrez were no longer working in the salon and that apprenticeships were being pursued for them. Ms. Cadavid also stated that she posted a price list, she is storing poisonous substances out of public areas, and has rectified the sanitation violations.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and 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 actions described above in paragraphs 4-9, Respondents **Mary's Beauty Salon** and **Maria E. Cadavid** have violated:

- a. Wis. Stat. § 454.04(1)(a), and Wis. Admin. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing two unlicensed employees to provide services to clients;
- b. Wis. Admin. Code §§ BC 3.01(4), BC 4.01(1) and BC 4.01(7) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe

condition;

- c. Wis. Admin. Code § BC 4.02(5) by failing to change the disinfectant (Barbicide) daily;
- d. Wis. Admin Code § BC 3.01(6) by failing to keep poisonous substances out of public areas or in a locked cabinet; and
- e. Wis. Admin. Code § BC 2.05(2) by failing to post either a list of costs of services or a sign informing patrons of their right to be informed of the cost of services before they are provided.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Mary's Beauty Salon** (license # 80-30426) and **Maria E. Cadavid** (license # 81-28107) be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay **COSTS** in the amount of **SIX HUNDRED DOLLARS (\$600.00)** within 90 days of the date of this Order.
3. Respondents shall, jointly and severally pay a **FORFEITURE** in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** within 120 days of the date of this Order.

Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. 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 Respondents' licenses. 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 Respondents fail to timely submit any payment as ordered, then the Respondents' licenses **SHALL BE SUSPENDED** without further notice or hearing until Respondents have complied with the terms of this Order.

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

IT IS FURTHER ORDERED, that file, 05 BAC 092 is hereby closed.

Dated this 11th day of September, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush