

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
INVOLVING	:	AND ORDER
	:	LS0806181BAC
DAVID HALL,	:	
RESPONDENT.	:	

Division of Enforcement Case No. 08 BAC 148

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 19th day of May, 2009.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION INVOLVING

PROPOSED DECISION

LS-0806181 BAC

**DAVID HALL,
RESPONDENT.**

Division of Enforcement Case No. 08 BAC 148

The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

David Hall
4477 88th Avenue
Kenosha, WI 53144

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

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

This proceeding was commenced by the filing of a Notice of Hearing and Petition for Administrative Injunction on June 18, 2008. Mr. Hall did not file an Answer to the Petition and did not appear at the pre-hearing conference held in this matter. Attorneys John Nicholas Schweitzer and Arthur Thexton appeared in this matter on behalf of the Department of Regulation and Licensing, Division of Enforcement. The Division of Enforcement filed Motions to Dismiss this matter. The hearing was adjourned pending the disposition of the motions.

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. On June 18, 2008, the Division of Enforcement filed a Notice of Hearing and Petition for an Administrative Injunction involving David Hall. The Notice and Petition were served by certified mail on Mr. Hall at Nu Beginnings, which is located at 6223 22nd Avenue, Kenosha, Wisconsin, 53143.

2. On May 23, 2008, an Investigator with the Division of Enforcement inspected a barber or cosmetologist establishment named Nu Beginnings located at 6223 22nd Avenue, Kenosha, WI 54143. The Investigator observed barbering and cosmetology services being provided by Mary Fox, an apprentice who did not hold a Wisconsin license. Mr. Hall was identified as the owner of the establishment. No license has ever been issued for Nu Beginnings.

3. Mr. Hall did not file an Answer to the Petition.

CONCLUSIONS OF LAW

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

ORDER

NOW THEREFORE, IT IS ORDERED that the Notice of Hearing and Petition filed in this matter be, and hereby is, dismissed.

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

OPINION

This proceeding was commenced by the filing of a Notice of Hearing and Petition for Administrative Injunction on June 18, 2008. Mr. Hall did not file an Answer to the Petition and did not appear at the pre-hearing conference held in this matter. Attorneys John Nicholas Schweitzer and Arthur Thexton appeared in this matter on behalf of the Department of Regulation and Licensing, Division of Enforcement. The Division of Enforcement filed Motions to Dismiss this matter. The hearing was adjourned pending the disposition of the motions. **1.**

The initial motion, which was filed by Atty. Schweitzer, stated that the Petition was filed under an incorrect designation, namely a barbering and cosmetology designation instead of an unlicensed practice designation. The second motion, which was filed by Atty. Thexton, stated that Nu Beginnings had closed; that compliance had been gained, and that the Department had no information that Mr. Hall was continuing unlicensed practice at the 22nd Avenue location in Kenosha or at any other location.

Based upon the Division of Enforcement's request and its statement indicating that Mr. Hall is no longer operating an unlicensed establishment, the motion to dismiss is granted.

1. Atty. Thexton was assigned to handle this matter after Atty. Schweitzer was reassigned to work in another area within the Department.

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 _____ day of _____, 2009.

Respectfully submitted,

Ruby Jefferson-Moore
Administrative Law Judge