

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
EL CHISME SALON DE BELLEZA AND : LS0906016BAC
MERCEDES SANDOVAL MARTINEZ, :
RESPONDENTS. :

Division of Enforcement Case File # 06 BAC 129

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

Mercedes Sandoval Martinez
632 Madison Street
Waukesha, WI 53188

El Chisme Salon De Belleza
264 West Broadway Street
Waukesha, WI 53186

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 Wisconsin Barbering and Cosmetology Examining Board (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. El Chisme Salon De Belleza is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license # 80-31839. This license was granted on 02/25/2004 and is current through 03/31/2009.
2. El Chisme Salon De Belleza's most recent address on file with the Department of Regulation and Licensing (Department) is 264 West Broadway Street, Waukesha, Wisconsin 53186.
3. Mercedes Sandoval Martinez, whose date of birth is 06/26/1976, is listed as the manager of record for El Chisme Salon De Belleza. Department records indicate that Ms. Sandoval Martinez holds a barbering and cosmetology manager's license, # 81-31240. This license was first granted on 08/24/2006 and is current through 03/31/2011.

4. Ms. Sandoval Martinez's most recent address on file with the Department is 632 Madison Street, Waukesha, Wisconsin 53188.

5. As manager of record, Ms. Sandoval Martinez was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2, 3, and 4.

6. On or about November 30, 2006, the Department received a consumer complaint alleging unlicensed practice at El Chisme Salon De Belleza. The complaint was subsequently opened for investigation.

7. On October 1, 2008, a Department consumer protection investigator conducted an inspection of El Chisme Salon De Belleza. The inspection revealed the following violation:

Two employees were practicing with an expired apprentice licenses. The credentials had expired on 12/01/2007 and 08/06/2008.

8. In resolution of this matter, the Respondents consent to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondents, Mercedes Sandoval Martinez and El Chisme Salon De Belleza have violated:

a. Wis. Stat. 454.04(1)(a) and Wis. Admin. Code §§ BC 2.04(1) and 2.07(1r) by permitting employees to provide unlicensed barbering and cosmetology services.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Mercedes Sandoval Martinez and El Chisme Salon De Belleza are hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall pay a FORFEITURE in the amount of ONE THOUSAND FIVE DOLLARS (\$1,500.00) and shall pay COSTS in the amount of FIVE HUNDRED DOLLARS (\$500.00).

IT IS FURTHER ORDERED that:

3. A down payment of FIVE HUNDRED DOLLARS (\$500.00) shall be submitted within 30 days of the date of this order and three more payments of FIVE HUNDRED (\$500.00) will be due every 60 days from the date of the previous payment until the full TWO THOUSAND DOLLARS (\$2,000.00) is paid in full.

4. 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) 267-3817, Fax (608) 266-2264

5. 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.

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

IT IS FURTHER ORDERED that file 06 BAC 129 is hereby closed.

Dated this 1st day of June, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush