

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD.

IN THE MATTER OF THE DISCIPLINARY .
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
DARA ATLIJA, : 94 BAC 028
d/b/a SALON 5211 :
RESPONDENT :

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Dara Atlija
d/b/a Salon 5211
5211 W. Loomis Rd.
Greenfield, Wisconsin 53129

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Dara Atlija (DOB 10-10-61), 5221 W. Loomis Rd., Greenfield, WI 53129, is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license #24863). This license was first granted on June 29, 1992.
2. Salon 5211, 5221 W. Loomis Rd., Greenfield, WI 53129, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #22537). This license was first granted on February 17, 1993. Ms. Atlija is listed with the Department of Regulation and Licensing as the owner of Salon 5211. As owner and manager, Ms. Atlija was and is responsible for compliance with ch. 454, Stats. and chapters BC 2, 3 and 4 of the Wisconsin Administrative Code.

3. On exact dates unknown, but beginning at least on June 17, 1994 and continuing on through at least August 17, 1994, Ms. Atlija rented a chair to Ruza Marich. At no time relevant to this action did Ms. Marich hold an establishment license for the chair she was renting from Ms. Atlija.

4. On exact dates unknown, but beginning at least on June 17, 1994 and continuing on through at least August 25, 1994, Ms. Atlija rented a chair to Juli Lovdal. At no time relevant to this action did Ms. Lovdal hold an establishment license for the chair she was renting from Ms. Atlija.

5. On exact dates unknown, but beginning at least on June 17, 1994 and continuing on through at least October 17, 1994, Ms. Atlija rented a chair to Jeanne Akey. At no time relevant to this action did Ms. Akey hold an establishment license for the chair she was renting from Ms. Atlija.

6. On exact dates unknown, but beginning at least on June 17, 1994 and continuing on through at least September 12, 1996, Ms. Atlija rented a chair to Janice Hermes, who was only licensed as a barbering and cosmetology practitioner up until May 5, 1996, when she was granted a managers license (#26412). At no time relevant to this action did Ms. Hermes hold an establishment license for the chair she was renting from Ms. Atlija.

7. On exact dates unknown, but beginning at least on June 17, 1994 and continuing on through at least October 27, 1994, Ms. Atlija rented a chair to Barbara Driscoll. At no time relevant to this action did Ms. Driscoll hold an establishment license for the chair she was renting from Ms. Atlija.

8. In resolution of this matter, Ms. Atlija consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 3-7, above, Dara Atlija, d/b/a Salon 5211, violated sec. 454.15(2)(i) and Wisconsin Administrative Code §§ BC 2.04(1) and BC 2.08(1)(b).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Dara Atlija shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND EIGHT HUNDRED dollars (\$1800.00). Payment shall be submitted as follows:

\$150.00 due on or before March 15, 1997; \$150.00 due on or before September 15, 1997;
\$150.00 due on or before April 15, 1997; \$150.00 due on or before October 15, 1997;
\$150.00 due on or before May 15, 1997; \$150.00 due on or before November 15, 1997;
\$150.00 due on or before June 15, 1997; \$150.00 due on or before December 15, 1997;
\$150.00 due on or before July 15, 1997; \$150.00 due on or before January 15, 1998; and
\$150.00 due on or before August 15, 1997; \$150.00 due on or before February 15, 1998.

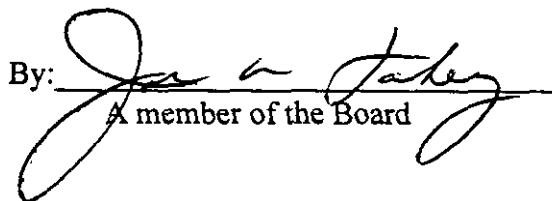
Payments shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Michelle Neverman
Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935.

IT IS FURTHER ORDERED that in the event that Dara Atlija fails to timely submit payment of the forfeiture as set forth above, the establishment license of Salon 5211 (license #22537) **SHALL BE SUSPENDED**, without further notice or hearing, until Ms. Atlija has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By: 
A member of the Board

3/10/97
Date

$\$150,00 - \$1800,00 \div 12 = 150,00$
3-15-97

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

DARA ATLIJA,
d/b/a SALON 5211,
RESPONDENT

STIPULATION
94 BAC 028

It is hereby stipulated between Dara Atlija, d/b/a Salon 5211, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (94 BAC 028). Ms. Atlija consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Atlija understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Atlija is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Atlija agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Atlija in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Dara Atlija
Dara Atlija
d/b/a Salon 5211

2-10-97
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

3.6.97
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416 - hearing or speech
TRS# 1-800-947-3529 - impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 10, 1997, the Barbering and Cosmetology Examining Board took disciplinary action against your license. Part of the discipline was an assessment of costs and/or forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$1,800.00 Case # 94 BAC 028

Please submit a check or a money order in the amount of \$ See payment plan below

The costs and/or forfeitures are due: Last payment is due February 15, 1998

NAME: Dara Atlija, d/b/a Salon 5211 LICENSE NUMBER: 24863

STREET ADDRESS: 5211 West Loomis Road

CITY: Greenfield STATE: WI ZIP CODE: 53129

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is: \$150.00. Payments due: March 15, 1997; April 15, 1997; May 15, 1997; June 15, 1997; July 15, 1997; Aug. 15, 1997; Sept. 15, 1997; Oct. 15, 1997; Nov. 15, 1997; Dec. 15, 1997; Jan. 15, 1998 and Feb. 15, 1998

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

For Receipting Use Only

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Dara Atlija,
d/b/a Salon 5211,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)


I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On March 13, 1997, I served the Final Decision and Order dated March 10, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Dara Atlija, d/b/a Salon 5211, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 762.


3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Dara Atlija,
d/b/a Salon 5211
5211 W. Loomis Road
Greenfield WI 53129



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 13th day of March, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOA
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

March 13, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)