

# 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:

WILLIAM R. UTSEY,  
D/B/A SHAPE AND SHEAR,  
RESPONDENT

FINAL DECISION AND ORDER  
  
LS0202042BAC

**Division of Enforcement Case No. 01BAC040**

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

William R. Utsey  
Shape and Shear  
3422 West Villard Avenue  
Milwaukee, WI 53209

Barbering and Cosmetology Examining Board  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 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. Shape and Shear, 3422 West Villard Avenue, Milwaukee, WI 53209, is duly licensed as a barbering or cosmetology establishment in the state of Wisconsin (license #18792).
2. William R. Utsey, 3422 West Villard Avenue, Milwaukee, WI 53209, is listed with the Department of Regulation and Licensing as the owner of Shape and Shear. As owner, Mr. Utsey was and is at all times relevant to this action responsible for compliance with ch. 454, Wis. Stats. and Wis. Admin. Code chs. BC 2 and 3.
3. Mr. Utsey is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #22625). As manager of the establishment, Mr. Utsey was and is at all times relevant to this action responsible for compliance with ch. 454, Wis. Stats., and BC 2.07(1) Wis. Admin. Code.
4. A July 17, 2001 inspection of Shape and Shear revealed no posting of current licenses, no posting of the required blood protocol, poisonous substances stored in public areas of the salon, dirty shampoo bowls, clean contact equipment located next to dirty contact equipment, and required disinfectant cloudy with large amounts

of hair clippings.

5. In resolution of this matter, William R. Utsey d/b/a Shape and Shear consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

Respondent, by the conduct referred to above, William R. Utsey d/b/a Shape and Shear, has violated sec. 454.15(2)(i), Stats. and Wis. Admin.Code § § BC 2.07(1), 2.07(2), 3.01(6), 4.01(1), 4.02(3), 4.02(3a), 4.02(6) and 4.05(2).

### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the barbering or cosmetology manager's license of William R. Utsey (license # 22625) shall be **LIMITED** as follows:

1. Within six (6) months of the effective date of this Order, Respondent shall submit documentation of successful completion of at least twelve (12) hours of education acceptable to the Board in the area(s) of sanitation procedures. To be acceptable, the course or training:

- a. Shall be pre-approved by a member or designated agent of the Barbering and Cosmetology Examining Board; and
- b. Shall include documentation acceptable to the Board of successful return demonstration of a full and working knowledge of sanitation procedures.

2. Acceptable documentation shall include certification from the sponsoring organization verifying that he fulfilled the education in its entirety and that he successfully demonstrated the techniques and procedures taught.

3. Upon completion of the sanitation education, Respondent shall submit to an unannounced inspection of his establishment. This inspection shall occur within three (3) months of notification that Respondent has completed the required education.

### Department monitor

4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all requests for approval and reports. The address for the Department Monitor is Department Monitor, Division of Enforcement, PO Box 8935, Madison, WI 53708-8935. The telephone number for the Department Monitor is (608) 267-3817.

NOW, THEREFORE, **IT IS HEREBY FURTHER ORDERED** that

5. Mr. Utsey shall pay to the Department of Regulation and Licensing a forfeiture of THREE HUNDRED dollars (\$300.00) Payment shall be submitted within ninety [90] days from 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, PO Box 8935, Madison, WI 53708-8935

**6. In the event William R. Utsey fails to timely pay the forfeiture set forth above, the establishment license of Shape and Shear (#18792) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**

7. Following timely completion of the training set forth above and payment of the above forfeiture, the Barbering and Cosmetology Examining Board may restore Mr. Utsey's barbering and cosmetology managers license to full and unrestricted status.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbara Flaherty

2-4-02

A Member of the Board

Date