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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CURL UP & DYE, INC., AND :
CORNELL STALLWORTH, :
RESPONDENTS. : LS0304073BAC

Division of Enforcement Case No. 02 BAC 0014 &
02 BAC 040

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

Curl Up & Dye, Inc.
Cornell Stallworth
4861 N Teutonia
Milwaukee, WI 53209

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

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. **Curl Up & Dye, Inc.**, is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment license # 80 29921. This license was first granted to it on 07/16/01. The most recent address on file with the Department of Regulation and Licensing for this establishment is 4861 N. Teutonia, Milwaukee, WI 53209.

2. **Cornell Stallworth**, ("Stallworth") is listed with the Department of Regulation and Licensing as the owner of Curl Up & Dye, Inc. As owner, Stallworth was at all times relevant to this action responsible for compliance with Wis. Stats. chapter 454 and Admin. Code chapters BC 2 and BC 4.

3. Stallworth is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager license # 81 28652. This license was first granted to him on 03/28/01. The most recent address on file with the Department of Regulation and Licensing for Stallworth is 4911 W. Mill Rd., Milwaukee, WI 53223.

4. On April 16, 2002, and on September 11, 2002, investigators from the Department of Regulation and Licensing performed an inspection at Curl Up & Dye, Inc. During the inspection on April 16, 2002, investigators observed Sharonda Holmes, an employee of Curl Up & Dye, Inc., providing services to a client. Holmes' temporary practitioner permit expired on April 12, 2002. During the inspection on September 11, 2002, investigators observed Irene Behringer, an employee of Curl Up & Dye, Inc., providing services to a client. Behringer's temporary manicurist permit expired on September 4, 2002.

5. During the inspection on April 16, 2002, and September 11, 2002, investigators also found improper reuse of disposable equipment, clean contact equipment not stored in a covered container, a failure to disinfect reusable manicuring instruments and a failure to maintain the salon/equipment in a clean, sanitary and safe condition.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondents **Curl Up & Dye, Inc.**, & **Cornell Stallworth** have violated:

a. Wisconsin Statutes sections 454.04(1)(a) and 454.04(1)(d), and Wisconsin Administrative Code sections 2.06(4) and BC 2.04(1) by authorizing unlicensed employees to provide services to clients.

b. Wisconsin Administrative Code section BC 4.10(2) by not disposing of equipment that cannot be cleaned and disinfected or sterilized.

c. Wisconsin Administrative Code section BC 4.02(3a) by failing to store clean contact equipment in a covered container.

d. Wisconsin Administrative Code section BC 4.10(1)(a) by failing to disinfect reusable manicuring instruments.

e. Wisconsin Administrative Code section BC 4.01(1) by failing to maintain the salon/equipment in a clean, sanitary and safe condition.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondents **Curl Up & Dye, Inc., & Cornell Stallworth** shall pay to the Department of Regulation and Licensing a forfeiture of TWO THOUSAND FOUR HUNDRED dollars (\$2,400.00). \$500.00 down payment shall be submitted within thirty (30) days from the date of this order and payments of \$172.73 will be due on the first of every consecutive month there after until the full \$2,400.00 is paid. Payments 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, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event **Curl Up & Dye, Inc., & Cornell Stallworth** fail to timely submit payment of the forfeiture as set forth above, the Barbering and Cosmetology Establishment license of **Curl Up & Dye, Inc.**, and the Barbering and Cosmetology Manager license of **Cornell Stallworth** SHALL BE SUSPENDED, without further notice or hearing, until respondents have complied with the terms of this Order.

IT IS FURTHER ORDERED, that files, 02 BAC 014 AND 02 BAC 040 are hereby closed.

Dated this 7th day of April, 2003.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer