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BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

EXCELL IBN NAJIEB,
EXCELL’S HOUSE OF STYLE,
RESPONDENTS.

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:
:
:
:

FINAL DECSION AND ORDER

LS0406078BAC

Division of Enforcement Case File #: 01 BAC 022

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

Excell Ibn Najieb,
Excell’s House of Style
525 W. Center Street
Milwaukee, WI 53212

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. **Excell’s House of Style**, located at 525 W. Center Street, in Milwaukee, Wisconsin is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license # 080 0018743. This license was first granted to the establishment on 05/02/89 and is current through 06/30/05.
2. **Excell Ibn Najieb**, date of birth 06/26/43, located at 721 E. Lyon Street, in Milwaukee, Wisconsin is duly licensed as a barbering and cosmetology manager having license # 081 0022576. This license was first granted to him in 06/01/72 and is current through 06/30/05. **Excell Ibn Najieb** is the listed owner of **Excell’s House of Style**.
3. As owner, **Excell Ibn Najieb** 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 Chapter 4 and 6.
4. On or about February 13, 2002, an unannounced inspection of **Excell’s House of Style** was performed by an investigator from the Department of Regulation and Licensing. The inspection revealed containers of disinfectant located at several of the workstations to contain hair debris. The investigator questioned one of the practitioner’s about the disinfectant and was told that he changes his disinfectant once a week. The investigation also revealed that the clippers contained hair debris. **Excell Ibn Najieb** stated that kerosene was used to clean the clipper blades.
5. During the same investigation, the investigator questioned **Excell Ibn Najieb** about his business relationship

between him and the apprentices licensed to practice in the salon. **Excell Ibn Najieb** stated that each apprentice rents a chair from him at twenty dollars (\$20.00) a day and that he does not pay the apprentices for the time they work in the salon or for the time they attend school. **Excell Ibn Najieb** stated that the apprentices are paid directly by the client. **Excell Ibn Najieb** further stated that he had been renting the chairs to the apprentices for approximately one month.

6. After the investigation was completed, an Order to Correct was issued to **Excell Ibn Najieb** to change the disinfectant everyday and to pay apprentices for the time they work in the salon and for the time that they attend school as outlined in the apprenticeship contract between the salon and the Bureau of Apprenticeship Standards. **Excell Ibn Najieb** signed and returned the Order to Correct stating that the disinfectant is being changed everyday and that as of February 19, 2002, apprentices are on a regular payroll system.

7. In resolution of this matter, **Excell Ibn Najieb and Excell's House of Style** consents to the entry of the following Conclusions of Law and Order.

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 **Excell Ibn Najieb and Excell's House of Style**, have violated:

a. Wisconsin Statutes sections 454.15(2)(i) and 454.10(1) by failing to follow the apprenticeship rules as set forth in the department of industry, labor and job development and the rules of the examining board.

b. Wisconsin Statutes Administrative Code sections BC 4.01(1) by failing to maintain the salon in a clean, sanitary, and safe condition.

c. Wisconsin Statutes Administrative Code sections BC 4.02(1) by failing to properly disinfect the clipper blades and failing to decontaminate disinfectant on a daily basis.

d. Wisconsin Statutes Administrative Code sections BC 6.02(5) by failing to pay the apprentices for the hours of school attendance and practical training.

ORDER

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

IT IS FURTHER ORDERED, that Respondents **Excell Ibn Najieb and Excell's House of Style** shall not rent to apprentices for the rest of **Excell's House of Style's** existence.

IT IS FURTHER ORDERED, that Respondents **Excell Ibn Najieb and Excell's House of Style** shall not employ any new apprenticeships for a period of one year from the date of this order.

IT IS FURTHER ORDERED, that Respondents **Excell Ibn Najieb and Excell's House of Style** shall pay to the Department of Regulation and Licensing a forfeiture of **TWO HUNDRED DOLLARS (\$200.00)**.

IT IS FURTHER ORDERED, that Respondent **Excell Ibn Najieb and Excell's House of Style**, pay partial costs in this matter in the amount of **TWO HUNDRED DOLLARS (\$200.00)**.

IT IS FURTHER ORDERED, that a down payment of **ONE HUNDRED DOLLARS (\$100.00)** shall be submitted within thirty (30) days from the date of this order and payments of **ONE HUNDRED DOLLARS (\$100.00)** will be due on

the first of every consecutive month there after until the full **FOUR HUNDRED DOLLARS (\$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 **Excell Ibn Najieb** fails to comply with all of the orders set forth above, **Excell's House of Style's** Barbering and Cosmetology Establishment License # 080 0018743 and **Excell Ibn Najieb's** Manager's License # 081 0022576, **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 01 BAC 022 be, and hereby is, closed as to all Respondents.

Dated this 7th day of June, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer
Board Member