

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 : FINAL DECISION AND ORDER
:
FAUSTOS IMAGE HAIR STUDIO :
FAUSTO I. DELGADO :
RESPONDENTS. : LS0506065BAC

Division of Enforcement Case No. 03 BAC 026

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

Faustos Image Hair Studio
Fausto I. Delgado
1509 W. Lincoln Ave.
Milwaukee, WI 53215

Fausto I. Delgado
727 E. Lincoln Ave.
Milwaukee, WI 53207

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 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. **Faustos Image Hair Studio** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80 29722. This license was first granted to it on 04/12/01. The most recent address on file with the Department of Regulation and Licensing for this establishment is 1509 W. Lincoln Ave., Milwaukee, WI 53215.
2. **Fausto I. Delgado**, (“Delgado”) is listed with the Department of Regulation and Licensing as the owner of Faustos Image Hair Studio. As owner, Delgado was at all times relevant to this action responsible for compliance with Wis. Stat. ~~s.~~ chapter 454 and Wis. Adm. Code chapters BC 2, BC 3 and BC 4.
3. Delgado is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81 27515. This license was first granted to him on 07/30/98. The most recent address on file with the Department of Regulation and Licensing for Delgado is 727 E. Lincoln Ave., Milwaukee, WI 53207.

4. On February 18, 2005, an investigator from the Department of Regulation and Licensing performed an inspection at Faustos Image Hair Studio. During the inspection the investigator noted an apprentice permit issued to Fernando Colon for an apprenticeship at Jacks or Better salon. Delgado admitted that Mr. Colon had been working as an apprentice at Faustos Image Hair Studio for approximately three months. Delgado also admitted that Jesus Osorio works at the salon and just finished his apprenticeship, but no permit or license was posted. At the time of the inspection Mr. Osorio did not have a current apprentice permit or a barbering or cosmetology license in the state of Wisconsin.

5. During the inspection on February 18, 2005, the investigator also found hair clippings on workstation counters, floors and in workstation drawers, and found that implements on the workstations were not clean.

6. During the inspection on February 18, 2005, the investigator also found that there was neither a list of cost of services posted in the salon, nor a sign displayed informing patrons of their right to be informed of the cost of services.

7. At the conclusion of the inspection on February 18, 2005, the investigator issued an Order to Correct to respondents, requesting that respondents take the following corrective measures by February 25, 2005:

Post a list of cost of services

Maintain salon in clean and sanitary condition

Obtain apprenticeship approval from DWD for Fernando Colon and Jesus Osorio before either of them continues to work at the salon

8. On February 25, 2005, Delgado mailed the Order to Correct to the investigator and indicated on it that the apprentice permits had been obtained for Fernando Colon and Jesus Osorio for Faustos Image Hair Studio, that a cost of services had been posted at the salon, and that the salon is being maintained in a clean and sanitary condition.

9. Review of the Department records confirm the transfer of apprenticeship for Fernando Colon to Faustos Image Hair Studio on February 22, 2005, and confirm an initial apprenticeship to Faustos Image Hair Studio for Jesus Osorio effective February 21, 2005.

CONCLUSIONS OF LAW

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

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

3. Respondents **Faustos Image Hair Studio and Fausto I. Delgado** have violated:

- a. Wisconsin Stat. § 454.04(1)(a), and Wis. Adm. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing an unlicensed employee to provide services to clients;
- b. Wis. Adm. Code § BC 2.06(4) by failing to maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners.
- c. Wis. Adm. Code §§ BC 3.01(4), BC 4.01(1) and BC 4.01(7) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition.
- d. Wis. Adm. Code § BC 2.05(2) by failing to post either a list of costs of services or a sign informing patrons of their right to be informed of the cost of services before they are provided.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Faustos Image Hair Studio and Fausto I. Delgado**, license # 80 29722, and license # 81 27515, be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay COSTS in the amount of \$500.00 within 60 days of the date of this Order.

3. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,200.00 within 90 days of 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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. 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 Respondent's license. 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 Respondent's licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order. [\[smg1\]](#)

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

IT IS FURTHER ORDERED, that file, 03 BAC 026 is hereby closed.

Dated this 6th day of June, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer

[\[smg1\]](#) This section should be the standard summary suspension provision: **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 Respondent's license. 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.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**