

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MARIA T. FESER, ANTONIO FRED, AND :	:	
TERES CUPIDO BEAUTY SALON LLC,	:	LS0512053BAC
RESPONDENTS.	:	

Division of Enforcement Case No. 05 BAC 030

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

Maria T. Feser
P.O. Box 250534
Milwaukee, WI 53204

Antonio Fred
2513 W. Mitchell St.
Milwaukee, WI 53204

Teres Cupido Beauty Salon LLC
1219 S. 16th St.
Milwaukee, WI 53225

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. **Maria T. Feser** is licensed in the State of Wisconsin as a Barbering and Cosmetology Practitioner, license # 82 78367. This license was first granted to her on 05/13/99. The most recent address on file with the Department of Regulation and Licensing for Ms. Feser is P.O. Box 250534 Milwaukee, WI 53225.

2. **Teres Cupido Beauty Salon LLC** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80 32368. This license was first granted to it on 09/29/04. The most recent address on file with the Department of Regulation and Licensing for this establishment is 1219 S. 16th St., Milwaukee, WI 53204.

3. **Antonio Fred** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81 27485. This license was first granted to him on 07/22/98. The most recent address on file with the Department of Regulation and Licensing for Mr. Fred is 2513 W. Mitchell St., Milwaukee, WI 53204.

4. Ms. Feser is listed with the Department of Regulation and Licensing as the owner of Teres Cupido Beauty Salon LLC. As owner, Ms. Feser was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

5. Mr. Fred is listed with the Department of Regulation and Licensing as the manager of Teres Cupido Beauty Salon LLC, a licensed Barbering and Cosmetology Establishment. As manager, Mr. Fred was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

6. On February 18, 2005, an investigator from the Department of Regulation and Licensing performed an inspection at Teres Cupido Beauty Salon. During the inspection the investigator observed Fabiola Ayala and Silvestre Martinez performing services on clients. At the time of the inspection neither Ms. Ayala nor Mr. Martinez had a valid Wisconsin Barbering and Cosmetology license or apprentice permit.

7. During the inspection on February 18, 2005, the manager, Mr. Fred, was not present. Ms. Feser, the owner of the salon and a Barbering and Cosmetology practitioner, told the investigator that Mr. Fred only works in the salon eight hours a week "at most." The Investigator later spoke with Mr. Fred who admitted that he is only at the salon about eight hours a week.

8. During the inspection on February 18, 2005, the investigator noted that Marcia Bonilla was providing services to clients as a booth rental. Ms. Bonilla is licensed as a Barbering or Cosmetology Practitioner. Ms. Feser stated she charges Ms. Bonilla \$150.00 a week in rent. Ms. Feser admitted that she had no written lease agreement with Ms. Bonilla. Ms. Bonilla was not licensed as a manager and had no establishment license for her booth.

9. During the inspection on February 18, 2005, the investigator found hair clippings throughout the salon including inside the workstation drawers and on implements stored in the drawers. The investigator also found used waxing strips on a shelf next to the waxing machine and found hair in the shampoo bowls.

10. 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.

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

- post a list of cost of services;
 - maintain salon in clean and sanitary condition, including cleaning out workstation drawers and implements of all hair, throwing away used wax strips, and cleaning hair from shampoo bowls;
 - Fabiola Ayala cannot work until receiving an apprentice permit; and
 - Silvestre Martinez cannot work until receiving an apprentice permit.
- Maria Bonilla cannot rent unless she obtains a manager's license and her own establishment license;

otherwise Bonilla must be an employee of the salon.

12. Ms. Feser mailed the Order to Correct back to the investigator and indicated the following corrective measures were taken: “the cost of services is already posted, the salon is in a clean condition all the work stations are clean; Fabiola and Silvestre are processing their apprentice permit[s] [and] they will not come back to work until they have their permit[s]; Marcia [Bonilla] is not renting she’s an employee.”

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents **Maria T. Feser, Antonio Fred, and Teres Cupido Beauty Salon LLC** have violated:

- a. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing two unlicensed employees to provide services to clients;
- b. Wis. Stat. § 454.08(6) and Wis. Admin. Code §§ BC 3.02(1) and BC 1.01(7) by Antonio Fred not working full time as a manager at the salon;
- c. Wis. Admin. Code §§ BC 3.02(1), BC 4.08(3), 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; and
- d. Wis. Admin. 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.

3. Respondents **Maria T. Feser and Teres Cupido Beauty Salon LLC** have also violated Wis. Admin. Code § BC 3.02(2)(a) by having a booth rental without a written lease agreement.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent **Maria T. Feser**, license #82 78367, be, and hereby is, **REPRIMANDED**.
2. Respondent **Antonio Fred**, license #81 27485, be, and hereby is, **REPRIMANDED**.
3. Respondent **Teres Cupido Beauty Salon LLC**, license #80 32368, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

4. Respondents **Maria T. Feser, Antonio Fred and Teres Cupido Beauty Salon LLC** shall, jointly and severally pay COSTS in the amount of SEVEN HUNDRED DOLLARS (\$700.00) according to the payment plan set forth below.

5. Respondents **Maria T. Feser, Antonio Fred and Teres Cupido Beauty Salon LLC** shall, jointly and severally pay a FORFEITURE in the amount of TWO THOUSAND EIGHT HUNDRED DOLLARS (\$2,700.00), according to the payment plan set forth below, for the violations described above in paragraph 2 of the Conclusions of Law.

6. Respondents **Maria T. Feser and Teres Cupido Beauty Salon LLC** shall pay a FORFEITURE in the

amount of ONE HUNDRED DOLLARS (\$100.00), according to the payment plan set forth below, for the violation described above in paragraph 3 of the Conclusions of Law.

Payment of the costs and forfeitures, which total THREE THOUSAND FIVE HUNDRED DOLLARS (\$3500.00), shall be made according to the following schedule:

PAYMENT DUE DATE	PAYMENT AMOUNT
December 31, 2005	\$500.00
March 1, 2006	\$600.00
May 1, 2006	\$600.00
July 1, 2006	\$600.00
September 1, 2006	\$600.00
November 1, 2006	\$600.00

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) 261-7904, Fax (608) 266-2264

7. 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 Respondents' licenses. 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 Respondents' licenses SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

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

IT IS FURTHER ORDERED that file 05 BAC 030 is hereby closed.

Dated this 5th day of December, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie Bush