

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
	:	
FOLLICLE HAIR STUDIO AND	:	
MARCO A. CARRASQUILLO,	:	
RESPONDENTS.	:	LS0512054BAC

Division of Enforcement Case No. 03 BAC 015

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

Follicle Hair Studio
817 S. 5th St.
Milwaukee, WI 53204

Marco A. Carrasquillo
2949 S. 43rd. St.
Milwaukee, WI 53219

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. **Follicle Hair Studio** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80 29202. This license was first granted to it on 06/27/00. The most recent address on file with the Department of Regulation and Licensing for this establishment is 817 S. 5th St., Milwaukee, WI 53204.
2. **Marco A. Carrasquillo** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81 28367. This license was first granted to him on 07/10/00. The most recent address on file with the Department of Regulation and Licensing for Mr. Carrasquillo is 2949 S. 43rd St., Milwaukee, WI 53219.
3. Mr. Carrasquillo is listed with the Department of Regulation and Licensing as the owner and manager of Follicle Hair Studio. As owner and manager, Mr. Carrasquillo was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2 and BC 4.

4. On June 14, 2005, an investigator from the Department of Regulation and Licensing performed an inspection at Follicle Hair Studio. During the inspection the investigator observed Mervin Estrada performing services on a client. Mr. Estrada had an apprentice permit that expired on March 20, 2004. At the time of the inspection Mr. Estrada did not have a valid Wisconsin Barbering and Cosmetology license. Mr. Estrada stated that he had been working at the salon for the last three years.

5. During the inspection on June 14, 2005, the investigator also found hair clippings throughout the salon including inside the workstation drawers and on implements stored in the drawers. The investigator also found that the Barbicide at the workstations contained debris.

6. During the inspection on June 14, 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 June 14, 2005, the investigator issued an Order to Correct to respondents, requesting that respondents take the following corrective measures by June 21, 2005:

Mervin Estrada cannot provide services until he extends his apprentice permit (if a possibility), or receives a temporary permit, or obtains his practitioner's license;
maintain salon in clean and sanitary condition, including changing Barbicide daily and keeping clipper blades clean; and
post a list of cost of services.

8. On June 24, 2005, Mr. Carrasquillo telephoned the investigator to inform her that he had made the necessary sanitation corrections, posted a cost of services, and knew that Mr. Estrada needed to apply to take the practitioner exam and cannot work until he is licensed.

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 **Follicle Hair Studio and Marco A. Carrasquillo** have violated:

- a. Wis. Stat. § 454.04(1)(a), and Wis. Admin. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing an unlicensed employee to provide services to clients;
- b. Wis. Admin. 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;
- c. Wis. Admin. Code § BC 4.02(5) by failing to change the disinfectant (Barbicide) daily; 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Follicle Hair Studio and Marco A. Carrasquillo**, license # 80 29202, and license # 81 28367, 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 90 days of the date of this Order.

3. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,300.00 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) 261-7904, 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 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.

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

IT IS FURTHER ORDERED, that file, 03 BAC 015 is hereby closed.

Dated this 5th day of December, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie Bush