

# 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  
:  
AGUSTIN A. GARNICA, : LS0512055BAC  
LA TIJERA, :  
RESPONDENTS. :  
:

Division of Enforcement Case File #: 03 BAC 022

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

Attn: Agustin A. Garnica  
La Tijera  
1826 S. 13<sup>th</sup> Street  
Milwaukee, WI 53204

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. La Tijera is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 0030444. This license was granted on 05/15/02.
2. La Tijera’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 1826 S. 13<sup>th</sup> Street, Milwaukee, Wisconsin 53204.
3. Agustin A. Garnica, date of birth 08/08/54, is duly licensed as a barbering and cosmetology manager in the State of Wisconsin having license #081 0018905. This license was first granted on 12/05/88.
4. Mr. Garnica’s most recent address on file with the Department is: 1031 W. Mitchell Street, Milwaukee, Wisconsin 53204.
5. Department records indicate that Mr. Garnica has been the listed manager and owner of record for La Tijera since 05/15/02.

6. As owner, Mr. Garnica 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 Chapters 2, 4, and 6.

7. On or about January 16, 2003, the Department received an anonymous complaint alleging that unlicensed persons were working at La Tijera.

8. On or February 18, 2005, an inspection of La Tijera was performed by an investigator with the Department. The inspection revealed that Linda M. Ferreira's apprenticeship permit (#600 78067; granted: 06/26/02; expiration: 06/26/05) had been placed on inactive status as of 02/10/05. Department records indicate that Ms. Ferreira's license was placed on inactive status because she was scheduled to take the barbering and cosmetology practitioner's exam.

9. The February 18, 2005 inspection at La Tijera's also revealed that Otilia Rodriguez (#600 78078; granted: 6/26/02; expiration: 06/27/05) was listed on the work schedule. Department records indicate that Ms. Rodriguez is indentured as an apprentice at Tasos Hair Studio (#81 15894; granted 8/15/85).

10. The February 18, 2005 inspection at La Tijera's also revealed that the salon was not being kept in a clean, sanitary and safe condition.

11. As of October 28, 2005, Department records indicate that Ms. Ferreira has not taken the barbering and cosmetology practitioner's exam.

12. As of October 28, 2005, Department records indicate that both Ms. Ferreira's and Ms. Rodriguez's apprenticeship permits remain in expired status.

13. In resolution of this matter, Agustin A. Garnica and La Tijera consent to the entry of the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

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

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

3. Respondents Agustin A. Garnica and La Tijera have violated:

- a. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by permitting Linda M. Ferreira to provide barbering and cosmetology services without a current credential;
- b. Wis. Stat. § 454.10(1) and Wis. Admin. Code §§ BC 2.06(4); 6.01 (5) by permitting Otilia Rodriguez to provide barbering and cosmetology services at La Tijera when Ms. Rodriguez was indentured to provide barbering and cosmetology services at Tasos Hair Studio; and
- c. Wis. Admin. Code § BC 4.01 (1) by failing to keep La Tijera 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 shall **CEASE AND DESIST** from permitting Linda M. Ferreira, Otilia Rodriguez, or any other non-licensed person from providing barbering and cosmetology services until those persons obtain current barbering and cosmetology credentials to provide such services.

IT IS FURTHER ORDERED, that Respondent shall pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00)**.

IT IS FURTHER ORDERED, that Respondent shall pay costs in this matter in the amount of **FOUR HUNDRED DOLLARS (\$400.00)**.

IT IS FURTHER ORDERED, that a down payment of **TWO HUNDRED DOLLARS (\$200.00)** shall be submitted thirty (30) days from the date of this order and nine more payments of **TWO HUNDRED DOLLARS (\$200.00)** will due in months from the previous payment until the full **TWO THOUSAND DOLLARS (\$2,000.00)** is paid. Payments shall be made **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**

IT IS FURTHER ORDERED, that in the event that Agustin A. Garnica and La Tijera fail to timely submit payment of the forfeiture and costs as set forth above, Agustin A. Garnica's barbering and cosmetology manager's license (#81 0018905) and La Tijera's barbering and cosmetology establishment license (#80 0030444) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 03 BAC 022, be and hereby is, closed as to the Respondent.

Dated this 5th day of December, 2005.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: Jeannie M. Bush