

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
 :
JOSÉ BARBER EXTRAORDINAIRE, : LS0604033BAC
RESPONDENT. :

Division of Enforcement Case No. 03 BAC 011

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

José Barber Extraordinaire
ATTN: Joseph Amado Ortiz
831 W. National Avenue
Milwaukee, WI 53204

Barbering and Cosmetology Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

This matter comes before the Barbering and Cosmetology Examining Board as a citation to which Respondent has made no timely response. Based on the record in this case, the Barbering and Cosmetology Examining Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about August 8, 2005, the Division of Enforcement duly served upon the above-named Respondent the citation attached to this Order as Exhibit 1. Service was accomplished by mail.

2. Respondent has failed to timely file an answer or any response to the Division of Enforcement Citation (Exhibit 1).

3. Inspection of Respondent establishment revealed the violation set forth in Exhibit 1.

CONCLUSIONS OF LAW

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

2. By failing to make a deposit or otherwise respond to the citation in a timely fashion, Respondent is in default under Wis. Admin. Code § BC 10.07(1), and the Barbering and Cosmetology Examining Board may make findings and enter an order on the basis of the citation issued against Respondent.

3. By failing to change daily the disinfectant used for decontamination (Barbicide), Respondent has violated Wis. Admin. Code § BC 4.02(5).

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Respondent shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED DOLLARS (\$100.00) and costs of THIRTY DOLLARS (\$30.00).

Payment shall be submitted within 30 days from 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
P.O. Box 8935
Madison, WI 53708-8935

Violation of this order may result in a refusal to renew credentialing or additional disciplinary action.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
On Behalf of the Board

4/3/06

Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 266-2264
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: web@drl.state.wi.us
Website: http://drl.wi.gov

BARBERING AND COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

<input checked="" type="checkbox"/> CITATION DOE CASE FILE # <u>03 BAC 011</u>	<input type="checkbox"/> FINAL DECISION AND ORDER LS # _____
<input type="checkbox"/> Individual Credential Holder Name License # _____	<input checked="" type="checkbox"/> Establishment Name License # <u>252696</u>

831 W. NATIONAL AVE MILWAUKEE WI 53204
Street City Zip
Friday Feb. 18, 2005 11:30 am
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation.

Disinfectant (barbicide) used for decontamination
not changed daily.

In violation of Section BC 4.02(5) of Wis. Stats. OR Wis. Adm. Code
Candace (L) Hedon Consumer Protection Invest. III Aug 8, 2005
Signature of Investigative Staff Title Date

Signature of Licensee OR Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE AND COSTS IN THE AMOUNT OF \$ 130.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF REGULATION AND LICENSING, DIVISION OF ENFORCEMENT, 1400 EAST WASHINGTON AVENUE, P.O. BOX 8935, MADISON, WI 53708. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE PLUS COSTS, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

#2683 (8/04)
Ch. 454, Stats.

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