

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE :  
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
BERTIE HORTON, :  
RESPONDENT. : LS0609113BAC

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Division of Enforcement Case File Number 03 BAC 038

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

Bertie Horton  
3725 West Garfield Avenue  
Milwaukee, WI 53209

Barbering and Cosmetology Examining Board  
Post Office Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Chick-A-Dee Coiffures was licensed as a barbering and cosmetology establishment in the state of Wisconsin, license #80-30358, from March 28, 2002 through June 30, 2003, at the address of 5235 N. 35<sup>th</sup> Street, Milwaukee, Wisconsin 53209.

2. Respondent **Bertie Horton** is duly licensed as a barbering or cosmetology manager in the state of Wisconsin, license #81-27156. This license was first granted on January 16, 1998, and is current through June 30, 2007. Ms. Horton's most recent address on file with the Department is 3725 West Garfield Avenue, Milwaukee, Wisconsin 53209. Ms. Horton was identified in Department records as the manager of record for Chick-A-Dee Coiffures at all times relevant to this action.

3. An inspection of Chick-A-Dee Coiffures by Department investigator Alfred Hall on December 6, 2002, found Phillymoe Jones cutting a person's hair and receiving money for that service. Mr. Jones admitted to Investigator Hall that he did not have a license, but stated that he was working towards obtaining his apprenticeship permit. Investigator Hall observed Mr. Jones give a business card to a person who came into the establishment. Investigator Hall retrieved the business card. The card read "Chick A Dee Unisex Salon, Phillymoe Jones Master Barber."

4. While at the establishment, Investigator Hall talked to Ajin Beyah, the owner of the establishment, and spoke to manager Bertie Horton on the telephone. Both acknowledged that they knew that Mr. Jones did not possess a license. Ms. Horton informed Investigator Hall that Mr. Jones had been working at Chick-A-Dee for three or four months.

5. The December 6, 2002 inspection also revealed that Chick-A-Dee did not have a price list posted in a

conspicuous place.

6. In resolution of this matter, Bertie Horton consents to the entry of the following Conclusions of Law and Order.

**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. By conduct referred to in the above Findings of Fact, Bertie Horton has violated:

- a. Wis. Admin. Code § BC 2.04(1), which provides that licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
- b. Wis. Admin. Code § BC 2.05(2), which provides that an establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services before the services are provided."
- c. Wis. Admin. Code § BC 2.07(2), which provides that the manager shall post all required licenses, permits and notices.
- d. Wis. Stat. § 454.15(2)(i), which provides that any violation of Chapter 454 or of the Administrative Code rules promulgated under Chapter 454 is cause for discipline.

**ORDER**

1. **IT IS HEREBY ORDERED** that Bertie Horton shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00). Bertie Horton shall also pay costs in the amount of FIVE HUNDRED dollars (\$500.00) in this matter.

Payment shall be made according to the following schedule:

<b>PAYMENT AMOUNT</b>	<b>DUE DATE</b>
\$250.00	October 15, 2006
\$200.00	January 15, 2007
\$200.00	April 15, 2007
\$200.00	July 15, 2007
\$200.00	October 15, 2007
\$200.00	January 15, 2008
\$250.00	April 15, 2008

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  
Post Office Box 8935

2. **IT IS FURTHER ORDERED** that in the event Bertie Horton fails to comply with all the terms of the Order as set forth above, the barbering or cosmetology manager license of Bertie Horton (#81-27156) **SHALL BE SUSPENDED**, without further notice or hearing, until Bertie Horton has complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush  
A member of the Board

9/11/06  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : STIPULATION  
BERTIE HORTON, :  
RESPONDENT. :: LS

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Division of Enforcement Case File Number 03 BAC 038

It is hereby stipulated between Bertie Horton, Respondent, and Lara M. Herman, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (03 BAC 038). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation, she voluntarily and knowingly waives her rights, including:

The right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence;

The right to confront and cross examine the witnesses against her;

The right to call witnesses on her behalf and to compel their attendance by subpoena;

The right to testify on her own behalf;

The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;

The right to petition for rehearing; and

All other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.

3. Respondent has been informed of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the attached order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department policy.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**Bertie Horton**

Respondent  
3725 West Garfield Avenue  
Milwaukee, WI 53209

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Date

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**Lara M. Herman**

Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, WI 53708-8935

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Date

[03 BAC 038, \$1,000 FORFEITURE, \$500 COSTS