

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

DESHUNKA PEPPERS, ROBERT D. :
HOPKINS and TOP OF THE LINE :
BARBERSHOP, :
RESPONDENTS. :

FINAL DECISION AND ORDER
LS0609116BAC

Division of Enforcement Case File Number: 04 BAC 062

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Deshunka Peppers
4390 North 27th Street
Milwaukee, Wisconsin 53216

Robert D. Hopkins
4317 North 10th Street
Milwaukee, Wisconsin 53210

Top of the Line Barbershop
4390 North 27th Street
Milwaukee, Wisconsin 53216

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. Top of the Line Barbershop, 4390 North 27th Street, Milwaukee, Wisconsin 53216 is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license number 80-32050). This license was first granted on June 3, 2004, and is current through June 30, 2007.
2. Deshunka Peppers, 4390 North 27th Street, Milwaukee, Wisconsin 53216, is identified in records of the Department of Regulation and Licensing (Department) as the owner of Top of the Line Barbershop. As owner of a licensed barbering and cosmetology establishment, Ms. Peppers is responsible for compliance with Wis. Stats. Ch. 454 and Wisconsin

3. Robert D. Hopkins was licensed as a Barbering or Cosmetology Manager in the state of Wisconsin (license number 81-24731). The license was first granted on March 27, 1992, and expired on July 1, 2005. Mr. Hopkins is listed with the Department as the manager of Top of the Line Barbershop. As manager of a licensed barbering and cosmetology establishment, Mr. Hopkins is responsible for compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code Chs. BC 3 and 4.

4. On April 6, 2006, Investigator Douglas Austin from the Department inspected Top of the Line Barbershop. Investigator Austin found William Joiner working alone in the barbershop. Mr. Joiner informed Investigator Austin that the manager, Robert Hopkins, was on vacation.

5. Investigator Austin found that the drawers at the workstations had hair inside them. Most of the clippers, combs, and scissors had hair on them. There was hair on most of the floor. The shampoo basin was dirty with hair in the drain. Investigator Austin asked Mr. Joiner as to when the disinfectant was changed. Mr. Joiner replied that it was done on a weekly basis. No bandages or disposable gloves were found.

6. After the April 6th inspection, Investigator Austin found that William Joiner had been issued a barbering and cosmetology apprentice permit on May 30, 2000, and that the permit expired on June 6, 2005, with no extensions possible.

7. In resolution of this matter, Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop consent 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. Stats. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. Sec. 227.44(5).

3. By the conduct referred to in the above Findings of Fact, Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop have violated:

1. Wis. Stats. Sec. 454.04(1)(d). Except as permitted under pars. (b) and (d), no person may engage in barbering or cosmetology unless the person has received training in the areas of service provided and holds a current barber or cosmetologist license, manager license, temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a barbering or cosmetology course of instruction.
2. Wis. Stats. Sec. 454.15(2)(i), which provides that any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
4. Wis. Admin. Code § BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
5. Wis. Admin. Code § BC 2.08(1)(a). Licensees shall be responsible for compliance with sanitation and safety precautions contained in ch BC 4.
6. Wis. Admin. Code § BC 3.01(4). All floor coverings in an establishment shall be kept in a clean, orderly and safe condition. Loose hair shall be removed regularly and placed in a closed container.
7. Wis. Admin. Code § BC 4.01(1). All areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.

8. Wis. Admin. Code § BC 4.01(5). Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.
9. Wis. Admin. Code § BC 4.01(7). All other equipment and instruments shall be clean to sight and touch.
10. Wis. Admin. Code § BC 4.02(1). Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments, including scissors, razors, clipper blades and tweezers.
11. Wis. Admin. Code § BC 4.02(2). Disinfection for scissors, razors, clipper blades and tweezers shall consist of cleaning with soap and water to remove all organic material, wiping with or soaking in a disinfectant as defined in BC 1.01, and air drying.
12. Wis. Admin. Code § BC 2.04(4). Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned or disinfected.
13. Wis. Admin. Code § BC 4.02(5). Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop shall severally and jointly pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND SIX HUNDRED dollars (\$1,600.00).

IT IS FURTHER ORDERED that Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop shall severally and jointly pay full costs in the amount of NINE HUNDRED dollars (\$900.00) in this matter.

Payment shall be submitted on the following payment schedule:

Date	Amount
October 15, 2006	\$208.33
November 15, 2006	\$208.33
December 15, 2006	\$208.33
January 15, 2007	\$208.33
February 15, 2007	\$208.33
March 15, 2007	\$208.33
April 15, 2007	\$208.33
May 15, 2007	\$208.33
June 15, 2007	\$208.33
July 15, 2007	\$208.33
August 15, 2007	\$208.33
September 15, 2007	\$208.37

The full amount of the forfeiture and costs may be paid at any time prior to each due date for payment.

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

Madison, WI 53708-8935

608-261-7904

IT IS FURTHER ORDERED that in the event Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop fail to timely submit any payment of the forfeiture and costs as set forth above, the establishment license of Top of the Line Barbershop (license number 80-32050) and the barbering or cosmetologist manager license of Robert D Hopkins (license number 81-24731) **SHALL BE SUSPENDED**, without further notice or hearing until Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop have complied with the terms of this Order.

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

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DESHUNKA PEPPERS, ROBERT D.
HOPKINS and TOP OF THE LINE
BARBERSHOP,

RESPONDENTS.

STIPULATION
LS#06 _____ BAC

Division of Enforcement Case File Number: 04 BAC 062

It is hereby stipulated between Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop (hereafter “Respondents”), and Claudia Berry Miran, 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 (04 BAC 062). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Respondents have been provided an opportunity to obtain legal counsel prior to signing this stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (hereafter “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. Respondents waive 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 Barbering and Cosmetology Examining 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. Respondents are 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 Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Deshunka Peppers
Respondent
4390 North 27th Street
Milwaukee, Wisconsin 53216

Date

Robert D. Hopkins
Respondent
4317 North 10th Street
Milwaukee, Wisconsin 53210
License number 81-24731

Date

**On Behalf of Top of the Line
Barbershop**
Respondent
4390 North 27th Street
Milwaukee, Wisconsin 53216
License Number 80-32050

Date

Claudia Berry Miran
Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date