

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
:
TONY COLOMBIAN HAIR STYLIST :
AND ANTONIO BUENO :
RESPONDENTS. : LS0612044BAC

Division of Enforcement Case No. 05 BAC 055

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

Tony Colombian Hair Stylist
1585 S. Cesar E. Chavez Dr.
Milwaukee, WI 53204

Antonio Bueno
1585 S. Cesar E. Chavez Dr.
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. **Tony Colombian Hair Stylist** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-19026. This license was first granted to it on 10/08/1980. The most recent address on file with the Department of Regulation and Licensing for this establishment is 1585 S. Cesar E. Chavez Dr., Milwaukee, WI 53204.

2. **Antonio Bueno** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81-22859. This license was first granted to him on 10/08/1980. The most recent address on file with the Department of Regulation and Licensing for Mr. Bueno is 1585 S. Cesar E. Chavez Dr., Milwaukee, WI 53204.

3. Mr. Bueno is listed with the Department of Regulation and Licensing as the owner and manager of Ton Colombian Hair Stylist. As owner and manager, Mr. Bueno was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3, and BC 4.

4. On March 29, 2006, an investigator from the Department of Regulation and Licensing performed an inspection at Tony Colombian Hair Stylist. During the inspection the investigator observed Mr. Bueno performing services on a client. At the time of the inspection, the establishment license for Tony Colombian Hair Stylist was expired. The establishment license expired on June 30, 2001, and was not renewed until June 6, 2006. During the time when the establishment license was expired the salon remained open for business.

5. During the inspection on March 29, 2006, the investigator also found the following:

- A dog in the salon;
- A build up of hair on the floor;
- Hair clippings on all electric razors;
- Hair clippings on workstation counters;
- Barbicide at the workstations contained debris;
- No supply of disposable gloves; and
- 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.

6. At the conclusion of the inspection on March 29, 2006, the investigator issued an Order to Correct to Mr. Bueno, requesting that he take the following corrective measures by April 12, 2005:

- No dogs allowed in the establishment;
- Do not operate establishment until establishment license is renewed;
- Maintain salon in a sanitary condition;
- Clean and disinfect all equipment;
- Change Barbicide daily;
- Post price list; and
- Provide supply of disposable gloves.

7. On or about April 4, 2006, Mr. Bueno returned the order to correct stating that he had taken action to correct the violations.

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 **Tony Colombian Hair Stylist** and **Antonio Bueno** have violated:

- a. Wis. Stat. § 454.08(1)(b), and Wis. Admin. Code §§ BC 2.04(1) and BC 3.01(1) by operating the salon with an expired establishment license from July 1, 2001 to June 6, 2006;
- b. Wis. Admin. Code §§ BC 3.01(4), BC 4.01(1), BC 4.01(7), and BC 4.02(1) 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 3.01(10) by having a pet in the establishment during working hours;
- d. Wis. Admin. Code § BC 4.02(5) by failing to change the disinfectant (Barbicide) daily;
- e. 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; and

f. Wis. Admin. Code § BC 4.04(2) by failing to supply disposable gloves.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents **Tony Colombian Hair Stylist**, license # 80-19026, and **Antonio Bueno**, license # 81-22859, be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay **COSTS** in the amount of \$800.00 according to the payment plan set forth below.

3. Respondents shall, jointly and severally pay a **FORFEITURE** in the amount of \$3,000.00 according to the payment plan set forth below.

Payment of the costs and forfeitures, which total **THREE THOUSAND EIGHT HUNDRED DOLLARS** (\$3800.00), shall be made according to the following schedule:

PAYMENT DUE DATE	PAYMENT AMOUNT
December 31, 2006	\$500.00
April 2, 2007	\$660.00
July 2, 2007	\$660.00
October 2, 2007	\$660.00
January 2, 2008	\$660.00
April 2, 2008	\$660.00

4. Payment of the costs and forfeiture 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

5. 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.

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

Dated this 4th day of December, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M Bush