

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
:
ARTISTICA SALON, SONIA VENEGAS, :
AND MARTHA PRECIADO, : LS0702051BAC
RESPONDENTS. :

Division of Enforcement Case No. 06 BAC 066

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

Artistica Salon
3460 52nd Ave.
Kenosha, WI 53143

Sonia Venegas
275 S. Slussor
Grayslake, IL 60030

Martha Preciado
130 Walworth Ave.
Delavan, WI 53115

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. Respondent **Artistica Salon** is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-34001. This license was first granted to it on 05/12/06. The most recent address on file with the Department of Regulation and Licensing for this establishment is 3460 52nd Ave., Kenosha, WI 53143.
2. Respondent **Sonia Venegas** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81-28807. This license was first granted to her on 09/28/01. The most recent address on file with the Department of Regulation and Licensing for Ms. Venegas is 275 S. Slussor, Grayslake, IL 60030.

3. Respondent **Martha Preciado** is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, license # 81-28980. This license was first granted to her on 09/28/01. The most recent address on file with the Department of Regulation and Licensing for Ms. Preciado is 130 Walworth Ave., Delavan, WI 53115.

4. Ms. Venegas is listed with the Department of Regulation and Licensing as the owner of Artistica Salon. A owner, Ms. Venegas 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.

5. Ms. Preciado is listed with the Department of Regulation and Licensing as the manager of Artistica Salon. A manager, Ms. Preciado 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.

6. On April 19, 2006, an investigator from the Department of Regulation and Licensing performed an inspection at Artistica Salon. During the inspection Griselda Roman and Monica Lopez were providing services to clients. Both held current practitioner licenses, but they were not posted in the salon.

7. Ms. Roman stated that she believed that the salon has been open for approximately two years. At the time of the inspection, the salon did not have an establishment license. The establishment was first issued a license on 05/12/06.

8. The only other person in the salon during the inspection was Maria Mendoza. Ms. Roman stated that Ms. Mendoza provides shampooing services and has cleaned the salon for the past two months. Ms. Mendoza did not have a Wisconsin cosmetology license.

9. During the inspection, the salon manager, Martha Preciado, was not present due to illness.

10. During the inspection on April 19, 2006, the investigator also found the following:

Hair clippings inside the workstation drawers and on implements;

Dirty Barbicide which Ms. Roman stated was changed only once a month;

Poisonous substances in an unlocked cabinet;

Blood protocol was not posted in the salon; and

The salon did not have a dryer and towels were being dried by hanging them on any surface throughout the salon.

11. At the conclusion of the inspection on April 19, 2006, the investigator issued an Order to Correct to Ms. Roman, requesting that corrective measures be taken for the above mentioned violations by April 26, 2006.

12. The Order to Correct was never returned to the Department.

13. On September 20, 2006, an investigator from the Department of Regulation and Licensing performed a second inspection at Artistica Salon. During the inspection Monica Lopez was providing services to clients. Maria Mendoza was present but was not providing services to clients. The Department investigator questioned Ms. Mendoza, but Ms. Mendoza stated "no English." When the investigator gave Ms. Mendoza paper in order for her to write her name and address, Ms. Mendoza wrote "Maria Bueno."

14. Further investigation revealed that Maria Bueno's full name is Maria Mendoza Bueno. Manager Martha Preciado admitted that Mario Medoza Bueno shampoos hair if the salon gets busy. Ms. Mendoza Bueno does not hold a barbering and cosmetology license.

15. During the inspection on September 20, 2006, licenses for Martha Preciado, Monica Lopez, Griselda Roman, and Maria Quintero were posted in the salon, but were not current. However, the investigator did verify with the Department that they did have current licenses.

16. During the inspection on September 20, 2006, the investigator also found the following:

Although there were some workstations that were clean, there were hair clippings inside at least two workstation drawers and on implements;
Dirty Barbicide at one workstation;
Blood protocol was not posted in the salon;
Poisonous substances were no longer being stored in the public restroom; and
There was a dryer in the salon for drying towels.

17. During follow-up investigation with manager Martha Preciado, Ms. Preciado admitted to the investigator that the salon had been open for approximately two years before becoming licensed.

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 **Artistica Salon, Sonia Venegas** and **Martha Preciado** have violated:
 - a. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ 2.045(1) and 3.01 by operating an unlicensed establishment for approximately two years;
 - b. Wis. Stat. § 454.04(1)(a), and Wis. Admin. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing an unlicensed employee, Maria Mendoza Bueno, to provide services to clients;
 - c. Wis. Admin. Code §§ BC 4.01(1) and BC 4.01(7) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition;
 - d. Wis. Admin. Code § BC 4.02(5) by failing to insure that the disinfectant (Barbicide) was changed daily;
 - e. Wis. Admin Code § BC 3.01(6) by failing to insure that poisonous substances were out of public areas or in a locked cabinet;
 - f. Wis. Admin. Code § BC 4.05(2) by failing to insure that a written blood protocol was posted in the salon;
 - g. Wis. Admin. Code § BC 2.07(2) by failing to insure that current licenses were posted in the salon; and
 - h. Wis. Admin. Code § BC 3.05(2) & (3) by failing to return the Order to Correct.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Artistica Salon**, (license # 80-34001), **Sonia Venegas** (license # 81-28807) and **Martha Preciado** (license # 81-28980) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay **COSTS** in the amount of **EIGHT HUNDRED DOLLARS (\$800.00)**.
3. Respondents shall, jointly and severally pay a **FORFEITURE** in the amount of **THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00)**.

Payment of the costs and forfeitures, which total **FOUR THOUSAND THREE HUNDRED DOLLARS (\$4300.00)**, shall be made according to the following schedule:

PAYMENT DUE DATE	PAYMENT AMOUNT
30 days from date of this Order	\$860.00
60 days from date of this Order	\$860.00
90 days from date of this Order	\$860.00
120 days from date of this Order	\$860.00
150 days from date of this Order	\$860.00

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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. 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.

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

IT IS FURTHER ORDERED that file 06 BAC 066 is hereby closed.

Dated this 5th day of February, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush