

# 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
	:	
DANIEL N. MISTRIOTY.	:	
NESO’S VILLAGE CUTS.	:	LS0702055BAC
	:	
RESPONDENTS.	:	

[Division of Enforcement Case File #: 06 BAC 016]

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

Attn: Daniel N. Mistryoty  
Neso’s Village Cuts  
7212 West State Street  
Wauwatosa, WI 53213

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. Neso’s Village Cuts is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 0018936. This license was granted on 05/04/81.
2. Neso’s Village Cuts most recent address on file with the Department of Regulation and Licensing (“Department”) is: 7212 West State Street, Wauwatosa, WI 53213.
3. Daniel N. Mistryoty, date of birth: 02/03/34, is listed as the owner of Neso’s Village Cuts. Department records indicate that Mr. Mistryoty holds a barbering and cosmetology manager’s license, #081 22769. This license was first granted on 12/13/74.
4. Mr. Mistryoty’s most recent address on file with the Department is: 7212 West State Street, Wauwatosa, Wisconsin 53213.
5. As the manger of record and owner of Neso’s Village Cuts, Mr. Mistryoty was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2 and 3.

6. On or about February 1, 2006, the Department received a newspaper article stating that a client had been bit by a dog at Neso's Village Cuts on November 23, 2005. A true and correct copy of the newspaper article is attached as Exhibit A, and is incorporated by reference into this document.

7. On or about May 9, 2006, an inspection of Neso's Village Cuts was conducted by a Department investigator. The inspection did not reveal any pets to be present in the salon; however, Mr. Mistrioty did admit that his dog was present in the salon during business hours on November 23, 2005 and that the dog accidentally bit the client.

8. The May 9, 2006 inspection did reveal that Perry L. Hansen (#081-08787; granted: 11/16/65) and Melony A. Jekich (#081-030490; granted: 05/02/05) were renting barbering and cosmetology booths without first obtaining establishment licenses.

9. The same inspection further revealed that Amy Johnson (#082-78055; granted: 12/04/98) was renting a barbering and cosmetology booth without maintaining a barbering and cosmetology manager's or establishment license.

10. Department records indicate that Mr. Hansen obtained an establishment license for Neso's Village Barber Shop (#080-34067) on May 31, 2006.

11. Department records indicate that Ms. Jekich obtained an establishment license for Neso's Village Barber Shop (#080-34091) on June 8, 2006.

12. To date, Department records do not indicate that an establishment license or manager's license has been issued to Amy Johnson to operate a barbering and cosmetology booth rental at Neso's Village Cuts.

13. In resolution of this matter, Daniel N. Mistrioty and Neso's Village Cuts consent to the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

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

2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondents Daniel N. Mistrioty and Neso's Village Cuts have violated:

- a. Wis. Stat. § 454.08 (1)(b) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1) 3.01(1) and 3.02(2)(b) by permitting two employees to rent barbering and cosmetology booths without first obtaining separate establishment licenses;
- b. Wis. Stat. §§ 454.08(1)(b); 454.08(6) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1); 3.01(1) and 3.02(1)(2)(b) by permitting an employee to rent a barbering and cosmetology booth without first obtaining a barbering and cosmetology manager's license and an establishment license; and
- c. Wis. Stat. § 454.15 (2)(c) and Wis. Admin. Code § BC 3.01(10) by keeping a pet in the salon during business hours which resulted in harm to a patron.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Respondents are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **SEVEN HUNDRED DOLLARS (\$700.00)**.

IT IS FURTHER ORDERED, that a down payment of **THREE HUNDRED DOLLARS (\$300.00)** shall be submitted within thirty (30) days from the date of this order and five more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be due every sixty (60) days from the previous payment until the full **TWO THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)** is paid. Payments 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**

IT IS FURTHER ORDERED, that in the event that Daniel N. Mistrioty and Neso's Village Cuts fail to timely submit payment of the forfeiture and costs as set forth above, the barbering and cosmetology manager's license for Daniel N. Mistrioty (#081 22769) and the establishment license for Neso's Village Cuts (# 080 18936) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 06 BAC 016, be and hereby is, closed as to Daniel N. Mistrioty and Neso's Village Cuts.

Dated this 5<sup>th</sup> day of February, 2007.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: Jeannie M. Bush