

# 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 :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 :  
FOSTER ADKINS, JR., : FINAL DECISION AND ORDER  
RESPONDENT. : LS# 0710232BAC  
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Division of Enforcement Case File Number 07 BAC 091

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

Foster Adkins, Jr.  
2544 North 9<sup>th</sup> Street  
Milwaukee, Wisconsin 53206

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

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

**PROCEDURAL HISTORY**

A formal Complaint was filed on October 23, 2007. A hearing was held on May 6, 2008.

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. Foster Adkins, Jr., (Date of Birth is September 1, 1937) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-21822). This license was first granted on March 15, 1971, and is currently in suspended status with the Department of Regulation and Licensing (hereinafter Department). That suspended manager license expired on July 1, 2007. The last address Mr. Adkins reported to the Department is 2544 North 9<sup>th</sup> Street, Milwaukee, Wisconsin 53206.

2. Mr. Adkins has not paid the full amount of costs and forfeitures in a Barbering and Cosmetology Examining Board (hereinafter Board) discipline case. According to Wisconsin Statutes section 440.22(3), the Department may not renew any credential until payment has been made in the full amount of costs assessed, plus any interest accrued.

3. On June 5, 2006, Mr. Adkins was subject to discipline by the Board. The basis for the discipline was that Mr. Adkins was the manager of a barbering or cosmetology establishment (Tight Edges) where unlicensed practice was observed by an investigator from the Department. Mr. Adkins, the establishment (Tight Edges) and the owner of Tight Edges were jointly and severally assessed costs (\$500.00) and a forfeiture (\$1,500.00) as discipline in the case. According to the Order, a payment of \$500.00 was due within 30 days within the date of the Order, with three more payments of \$500.00 due every 60 days from date of the previous payment. A copy of the Board's June 5, 2006, Stipulation and Final Decision and Order is

attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

4. Language in the June 5, 2006, Order states:

“Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in the summary suspension of Respondent’s license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any 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 within the terms of this Order.”

5. On July 31, 2006, a \$500.00 payment was made to the Department concerning the June 5, 2006, Board discipline. There have been no further payments since that date. Mr. Adkins’ barbering or cosmetology manager license has been in suspended status with the Department since January 29, 2007, for failure to comply with the June 5, 2006, Stipulation and Final Decision and Order. That license expired on July 1, 2007.

6. Foster Adkins, Jr., is listed as the responsible licensee/manager in the Barbering and Cosmetology Establishment Application for Total Beauty, 5909 West North Avenue, Milwaukee, Wisconsin 53209. That application was received by the Department on May 2, 2007.

7. The Department has not granted an establishment license to Total Beauty. The Department has asked that a new manger be named since Mr. Adkins is not currently licensed as a barbering or cosmetology manger.

8. In resolution of this matter, Foster Adkins, Jr. 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. Sec. 454.15.

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

3. By conduct referred to in Findings of Fact 5. and 6., Foster Adkins, Jr. has violated Wis. Stat. sec., 454.04(1)(a). 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 or 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.

4. By the conduct referred to in Findings of Fact 5. and 6., Foster Adkins, Jr., has violated Wis. Stat. sec. 454.15(2)(i). Violated this chapter or any rule promulgated under this chapter.

5. By the conduct referred to in Findings of Fact 5. and 6., Foster Adkins, Jr., has violated Wis. Admin. Code § BC 2.07. The licensed manager of a barbering and cosmetology establishment shall be responsible for daily operations of an establishment and ensure that the establishment is compliance with ch. 454, Stats., and chs. BC 3 and 4.

### **ORDER**

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Foster Adkins, Jr., shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00). Foster Adkins, Jr., shall also pay costs in the amount of ONE THOUSAND TWO HUNDRED FOUR dollars (\$1,204.00) in this matter.

Foster Adkins, Jr., shall also pay to the Department of Regulation and Licensing the remaining ONE THOUSAND FIVE HUNDRED dollars (\$1,500.00) forfeiture from the Barbering and Cosmetology Examining Board discipline of June 5, 2006.

The first payment of FOUR HUNDRED SIXTY-THREE dollars (\$463.00) shall be due ninety (90) days from the effective date of this Order. Seven further payments of FOUR HUNDRED SIXTY-THREE dollars (\$463.00) shall be due every ninety (90) days from the date of the previous payment until the full THREE THOUSAND SEVEN HUNDRED FOUR dollars (\$3,704.00) in costs and forfeitures is paid.

The full remaining amount 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, Wisconsin 53708-8935  
608-261-7904

It is **ALSO ORDERED** that the suspension of Mr. Adkins' barbering or cosmetology manager license be lifted on the effective date of this Order. Mr. Atkins remains responsible for filing an application and appropriate fees (including late fees) for renewal of his barbering or cosmetology manager license with the Department prior to the lifting of the suspension.

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 Mr. Adkins' barbering or cosmetology manager license. In the event Mr. Adkins fails to timely pay the forfeiture and costs as set forth above, Foster Adkins' barbering or cosmetology manager license (#81-21822) **BE SUSPENDED**, without further notice or hearing, until Foster Adkins has 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 Bush                      9/8/08  
A member of the Board

Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

FOSTER ADKINS, JR., :  
RESPONDENT. :

STIPULATION  
LS# 0710232BAC

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Division of Enforcement Case File Number 07 BAC 091

It is hereby stipulated between Foster Adkins, Jr., 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 formal complaint filed against Mr. Adkins by Division of Enforcement. Mr. Adkins consents to the resolution of this matter by stipulation.
2. Mr. Adkins understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Mr. Adkins is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Adkins 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. Mr. Adkins 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 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 Mr. Adkins or his 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 advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Adkins 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 Departmental policy.
8. The Division of Enforcement joins Foster Adkins, Jr., in recommending the Barbering and Cosmetology Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

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**Foster Adkins, Jr.**

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Date

Respondent

2544 North 9<sup>th</sup> Street

Milwaukee, Wisconsin 53206

License Number: 81-21822 (Suspended)

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**Claudia Berry Miran**

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Date

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935