

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 :
 :
MARK D. THOMAS, : FINAL DECISION AND ORDER
RESPONDENT. : LS0804076BAC
 :
 :

Division of Enforcement Case File Number 07 BAC 152

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

Mark D. Thomas
8350 West Brown Deer Road
Milwaukee, Wisconsin 53223

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

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. Mark D. Thomas (Date of Birth is February 16, 1974) is duly licensed as a barbering or cosmetology apprentice in the state of Wisconsin (license #600-76557). This license was first granted on February 22, 1999 and is current through August 8, 2008. According to records kept at the Department of Regulation and Licensing (Department) Mr. Thomas is indentured through Starting Lineup II, 3620 West Silver Spring Drive, Milwaukee, Wisconsin 53209. The Department has found that Mr. Thomas is presently working as an apprentice at Stylez Talk, L.L.C., 8350 West Brown Deer Road, Milwaukee, Wisconsin 53223.

2. An inspection of Stylez Talk, L.L.C., by Investigator Douglas Austin of the Department on August 9, 2007, found Mr. Thomas working. Mr. Thomas' apprentice license reveals that he is indentured to Starting Lineup II not Stylez Talk, L.L.C.

3. During the August 9, 2007, inspection of Stylez Talk, L.L.C., Mr. Thomas told Investigator Austin that it was his first day of work at Stylez Talk, L.L.C.

4. In resolution of this matter, Mark D. Thomas 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 the referred to in Paragraphs 2. and 3. of the above Findings of Fact, Mark D. Thomas has violated Wis. Stat. Sec. 454.10(1). All apprentices shall be indentured and shall be governed by s. 106.01, the apprenticeship rules of the department of workforce development and the rules of the examining board.

4. By conduct referred to in Paragraphs 2. and 3. of the Findings of Fact, Mark D. Thomas has violated Wis. Admin. Code § BC 6.01(7). An apprentice seeking to transfer his or her apprenticeship contract to another establishment owner shall contact the department of workforce development or the department for transfer procedures. An apprentice shall not transfer without prior approval of the board.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Mark D. Thomas (license number 600-76557) is **REPRIMANDED**.

IT IS ALSO ORDERED that Mark D. Thomas shall pay to the Department of Regulation and Licensing a forfeiture of **ONE HUNDRED** dollars (\$100.00).

IT IS FURTHER ORDERED that Mark D. Thomas shall pay costs in the amount of **ONE HUNDRED** dollars (\$100.00) in this matter.

All payments shall be submitted within 120 days from the date of this order. 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 FURTHER ORDERED that in the event Mark D. Thomas fails to timely submit any payment of the forfeiture and costs as set forth above, the barbering/ cosmetology apprentice license of Mark D. Thomas (license number 600-76557) **SHALL BE SUSPENDED**, without further notice or hearing, until Mark D. Thomas 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 M. Bush
A member of the Board

4/7/08
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

MARK D. THOMAS,
RESPONDENT.

STIPULATION
LS# 08 _____ BAC

Division of Enforcement Case File Number 07 BAC 152

It is hereby stipulated between Mark D. Thomas 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 (07 BAC 152). Mr. Thomas consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Thomas 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. Thomas 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. Thomas 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. Thomas 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. Thomas 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. Mr. Thomas 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 Department policy.
8. The Division of Enforcement joins Mark D. Thomas in recommending the Barbering and Cosmetology Examining

Board adopt this Stipulation and issue the attached Final Decision and Order.

Mark D. Thomas

Date

Respondent

8350 West Brown Deer Road

Milwaukee, Wisconsin 53223

License Number 600-76557

Claudia Berry Miran

Date

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935