

# 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 :  
 :  
MARTIN J. NADBORALSKI, : FINAL DECISION AND ORDER  
RESPONDENT. : LS0806026BAC  
 :

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Division of Enforcement Case File Number 06 BAC 111

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

Martin J. Nadboralski  
805 South 108<sup>th</sup> Street  
Number 19  
West Allis, Wisconsin 53214

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. Martin J. Nadboralski (Date of Birth is March 31, 1952) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-22744). This license was first granted on June 5, 1984, and is current through March 31, 2009. The last address Mr. Nadboralski reported to the Department of Regulation and Licensing (Department) is 805 South 108<sup>th</sup> Street, Number 19, West Allis, Wisconsin 53214.
2. On September 21, 2007, Mr. Nadboralski was convicted in Milwaukee County Circuit Court of one count of misdemeanor 4<sup>th</sup> Degree Sexual Assault. A copy of the Criminal Complaint and Judgment of Conviction is attached as Exhibit A. The crime occurred in Mr. Nadboralski's barbering or cosmetology establishment, Marty's New Image, located at 805 South 108<sup>th</sup> Street, Number 19, West Allis, Wisconsin 53214.
3. Mr. Nadboralski did not inform the Department of the conviction within 48 hours after the judgment of conviction.
4. In resolution of this matter, Martin J. Nadboralski 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 conduct referred to in Findings of Fact 2. and 3., Martin J. Nadboralski has Violated Wis. Stats. sec. 454.15(2)(c). Engaged in the practice of barbering or cosmetology, aesthetics, electrology or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.
4. By conduct referred to in Findings of Fact 2. and 3., Martin J. Nadboralski 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 2., Martin J. Nadboralski has violated Wis. Admin. Code § BC 2.03(7). Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employee, employer or co-worker.
6. By the conduct referred to in Findings of Fact 2., Martin J. Nadboralski has violated Wis. Admin. Code § BC 2.08(1)(b). Licensees holding current licenses or permits granted under ch. 454, Stats., shall:
  - (b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.
7. By the conduct referred to in Paragraph 3. of the Findings of Fact, Martin J. Nadboralski has violated Wis. Admin. Code § RL 4.09(2). A holder of any of the credentials set forth in s. RL 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere shall notify the department in writing if the date, place and nature of conviction or finding within 48 hours after

the entry of the judgment of conviction. Notice shall be made by mail and shall be proven by showing proof of the date of mailing the notice. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder.

## ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the barbering or cosmetology manager license of Martin J. Nadboralski (license number 81-22744) shall be **suspended for thirty (30) days** beginning on July 1, 2008.

IT IS FURTHER ORDERED that Martin J. Nadboralski shall pay to the Department of Regulation and Licensing a forfeiture in the amount of ONE THOUSAND dollars (\$1,000.00)

IT IS FURTHER ORDERED that Martin J. Nadboralski shall pay to the Department of Regulation and Licensing total costs in the amount of THREE HUNDRED SEVENTY-FIVE dollars (\$375.00).

Payment shall be made within 180 days of effective date of this Order by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing. All payments to be made under this Order shall be sent to:

Department Monitor  
Division of Enforcement  
Post Office Box 8935

Madison, Wisconsin 53708-8935

608-261-7904

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and shall result in a summary suspension of Martin J. Nadboralski's barbering or cosmetology manager license (license number 81-22744). The Barbering and Cosmetology Examining Board may in their discretion impose additional conditions and limitations or other additional discipline for a violation of any of 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

6/2/08  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

MARTIN J. NADBORALSKI, :  
RESPONDENT. :

STIPULATION  
LS#08 \_\_\_\_\_ BAC

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Division of Enforcement Case File Number 06 BAC 111

It is hereby stipulated between Martin J. Nadboralski 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 (06 BAC 111). Mr. Nadboralski consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Nadboralski 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. Nadboralski 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. Nadboralski 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. Nadboralski 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. Nadboralski 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. Nadboralski is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is public record and will be published in accordance with standard Department policy.
8. The Division of Enforcement joins Martin J. Nadboralski in recommending the Barbering and Cosmetology

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

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**Martin J. Nadboralski**

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Date

Respondent

805 South 108<sup>th</sup> Street

Number 19

West Allis, Wisconsin 53214

License Number 81-22744

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**Claudia Berry Miran**

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Date

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935