

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Division of Enforcement Case File Number 07 BAC 038

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

Gregory V. Pitts
2014 South 102nd Street
Apartment 108
West Allis, Wisconsin 53227

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

- Gregory V. Pitts (Date of Birth is June 2, 1976) is duly licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license #82-85161). This license was first granted on October 27, 2005, and is current until March 31, 2009. The last address Mr. Pitts reported to the Department of Regulation and Licensing (Department) is 2014 South 102nd Street, West Allis, Wisconsin 53227.
- Mr. Pitts’ license was in expired status from July 1, 2007, through August 15, 2007.
- On February 15, 2008, Investigator Willie Garrette from the Department inspected a barbering and cosmetology establishment located at 7800 West Congress, Milwaukee, Wisconsin. The name of the establishment was Greg’s Philly’s & Fades. Investigator Garrette found Gregory V. Pitts providing barbering services to a customer inside the establishment.
- At the time of the February 15, 2008, inspection Greg’s Philly’s & Fades did not possess a barbering or cosmetology establishment license in the state of Wisconsin.
- On March, 19 2008, Mr. Pitts was granted a license for a barbering or cosmetology establishment called Greg’s Philly’s & Fades located at 7800C West Appleton Avenue, Milwaukee, Wisconsin 53218.
- In resolution of this matter, Gregory V. Pitts 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 3. and 4., Gregory V. Pitts has violated Wis. Stat. § 454.04(1)(a). Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice under sub. (2).

4. By the conduct referred to in Findings of Fact 3. and 4., Gregory V. Pitts has violated Wis. Stat. § 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.

5. By the conduct referred to in Findings of Fact 3. and 4, Gregory V. Pitts has violated Wis. Stat. § 454.15(2)(i). Any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.

6. By the conduct referred to in Findings of Fact 3. and 4., Gregory V. Pitts has violated Wis. Admin. Code § BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

7. By the conduct referred to in Findings of Fact 3. and 4., Gregory V. Pitts has violated Wis. Admin. Code § BC 2.04(2). Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.

8. By the conduct referred to in Finding of Fact 3. and 4., Gregory V. Pitts has violated Wis. Admin. Code § BC 2.045(1). Licensees shall not provide personal care services outside of a licensed establishment except for person who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions.

9. By the conduct referred to in Findings of Fact 3. and 4., Gregory V. Pitts 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.

10. By the conduct referred to in Findings of Fact 3. and 4., Gregory V. Pitts has violated Wis. Admin. Code § BC 3.01(1). Barbering and cosmetology, aesthetics, electrology and manicuring shall not be practiced outside the confines of a licensed establishment, except as provided in s. BC 2.045.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the barbering or cosmetology practitioner license of Gregory V. Pitts (#82-85161) is hereby REPRIMANDED.

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Gregory V. Pitts shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00).

IT IS FURTHER ORDERED that Gregory V. Pitts shall pay the Department of Regulation and Licensing full costs in the amount of TWO HUNDRED dollars (\$200.00) in this matter.

IT IS FURTHER ordered that a down payment of costs and forfeiture in the amount of **\$150.00** shall be submitted within thirty (30) days from the effective date of this Order. Seven further payments of costs and forfeiture in the amount of **\$150.00** shall be due every ninety (90) days from the previous payment until the full ONE THOUSAND TWO HUNDRED dollars (\$1,200.00) is paid.

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

In the event Gregory V. Pitts fails to timely pay the forfeiture and costs as set forth above, Gregory V. Pitts' barbering or cosmetology practitioner license (#82-85161) BE SUSPENDED, without further notice or hearing, until Gregory V. Pitts 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

6/2/08
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
GREGORY V. PITTS,	:	STIPULATION
RESPONDENT.	:	LS# 08 _____ BAC
	:	

Division of Enforcement Case File Number 07 BAC 038

It is hereby stipulated between Gregory V. Pitts, 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 038). Mr. Pitts consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Pitts 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. Pitts 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. Pitts 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. Pitts 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. Pitts 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. Pitts 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 Gregory V. Pitts, in recommending the Barbering and Cosmetology Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Gregory V. Pitts

Date

Respondent

2014 South 102nd Street

Apartment 108

West Allis, Wisconsin 53227

License Number: 82-85161

Claudia Berry Miran

Date

Attorney

Division of Enforcement

Wisconsin Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935