

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
:
PHILLIP R. GRAY JR. AND :
PHIL GOODS BARBER & BEAUTY SALON, :
RESPONDENTS : LS0808261BAC

Division of Enforcement Case No. 05 BAC 088

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

Phillip R. Gray Jr.
7673 North Sherman Road
Milwaukee, WI 53209

Phil Goods Barber & Beauty Salon
7911 North 60th Street
Milwaukee, WI 53223

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Barbering and Cosmetology Examining Board on August 26, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed 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. Respondent **Phillip R. Gray Jr.** is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license # 81-29543. This license was first granted to him on 07/28/03. The most recent address on file with the Department of Regulation and Licensing for Mr. Gray is 7673 North Sherman Road, Milwaukee, WI 53209.

2. Respondent **Phil Goods Barber & Beauty Salon** is licensed in the State of Wisconsin as a barbering or cosmetology establishment, having license # 80-34032. This license was first granted to it on 05/17/06. The most recent address on file with the Department of Regulation and Licensing for this establishment is 7911 N. 60th Street, Milwaukee, WI 53223.

3. Phillip R. Gray Jr. is the owner and manager of Phil Goods Barber & Beauty Salon. As owner and manager, Mr. Gray was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

4. On February 12, 2008, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Phil Goods Barber & Beauty Salon.

5. The inspection revealed that the salon was open for business, and that both Mr. Gray's manager's license and the salon's establishment license were expired and had not been renewed by the June 30, 2007 renewal date. The inspection revealed no sanitation violations.

6. A Notice of Compliance form was issued to Mr. Gray for operating an establishment with an expired license and for working with an expired manager's license.

7. Department records show that Mr. Gray renewed both his manager's license and the establishment license on February 13, 2008, the day after the inspection was conducted.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents **Phillip R. Gray Jr.** and **Phil Goods Barber & Beauty Salon** have violated Wis. Stat. § 454.04(1)(a), Wis. Stat. § 454.08(1)(b), Wis. Admin. Code §§ BC 2.04(1), 2.045(1), and 3.01 by operating an establishment with an expired establishment license and an expired manager's license. As a result, they are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Phillip R. Gray Jr.** (license #81-29543) and **Phil Goods Barber & Beauty Salon** (license # 80-34032) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall jointly and severally pay **COSTS** in the amount of **THREE HUNDRED DOLLARS (\$ 300.00)**.

3. Respondents shall jointly and severally pay a **FORFEITURE** in the amount of **TWO THOUSAND**

DOLLARS (\$2,000.00).

4. Payment of the costs and forfeiture, which total **TWO THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)**, shall be made according to the following schedule:

PAYMENT AMOUNT	DUE DATE
\$287.50	January 15, 2009
\$287.50	April 15, 2009
\$287.50	July 15, 2009
\$287.50	October 15, 2009
\$287.50	January 15, 2010
\$287.50	April 15, 2010
\$287.50	July 15, 2010
\$287.50	October 5, 2010

5. Payment of the costs and forfeiture 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) 267-3817, Fax (608) 266-2264

6. 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 Respondents' licenses. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondents' licenses (#81-29543, and #80-34032) SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush