

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
	:	
ANTONIO J. GARNER.	:	LS0811038BAC
GAULIEN L. SMITH.	:	
GEE’S CLIPPERS.	:	
RESPONDENTS.	:	

Division of Enforcement Case File #: 07 BAC 194

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

Antonio J. Garner
Gee’s Clippers
4323 West Fond du Lac Avenue
Milwaukee, WI 53216

Gaulien L. Smith
Gee’s Clippers
4323 West Fond du Lac Avenue
Milwaukee, WI 53216

Gee’s Clippers
4323 West Fond du Lac Avenue
Milwaukee, WI 53216

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

The parties in this matter agree 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. Gee's Clippers is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 24265. This license was granted on 06/02/95.
2. Gee's Clippers' most recent address on file with the Department of Regulation and Licensing ("Department") is: 4323 West Fond du Lac Avenue, Milwaukee, Wisconsin 53216.
3. Antonio L. Garner, date of birth: 06/12/69, is listed as the manager of record for Gee's Clippers. Department records indicate that Mr. Garner holds a barbering and cosmetology manager's license, #81 30700. This license was first granted on 08/30/05.
4. Mr. Garner's most recent business address on file with the Department is: 4323 West Fond du Lac Avenue, Milwaukee, Wisconsin 53216.
5. As manager of record, Mr. Garner was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2 and 3.
6. Gaulien L. Smith, date of birth: 12/15/70, is listed as the owner for Gee's Clippers. Department records indicate that Mr. Smith holds a barbering and cosmetology manager's license, #81 26335. This license was first granted on 01/03/96.
7. Mr. Smith's most recent business address on file with the Department is: 4323 West Fond du Lac Avenue, Milwaukee, Wisconsin 53216.
8. As owner of Gee's Clippers, Mr. Smith was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2 and 3.
9. On or September 17, 2007, the Department's Division of Enforcement received information from the Department's Bureau of Business Licensure and Credentialing. The information provided that an apprenticeship application had been received from an individual that wanted to apprentice at Gee's Clippers. The prospective apprentice sought to apprentice under the management and supervision of Mr. Garner. As customary practice, the Department credentialing staff checked the licensure status and found Gee's Clippers' establishment license and Mr. Garner's manager's license to be in expired status since July 10, 2007. A case was subsequently opened for investigation.
10. On September 26, 2007, both the establishment license for Gee's Clippers and Mr. Garner were placed into active status.
11. In resolution of this matter, the Respondents consent to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Antonio J. Garner has violated:
 - a. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by failing to renew his barbering and cosmetology manager's license in a timely manner; and

b. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1); 2.07(1); and 3.01(1) by permitting Gee's Clippers to operate with an expired establishment license for two month period.

4. Respondents, Gaulien L. Smith, and Gee's Clippers have violated:

Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1) and 3.01(1) by permitting Gee's Clippers to operate with an expired license for a two month period.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Respondents are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted within thirty (30) days from the date of this order and one more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due (30) days from the previous payment until the full **ONE THOUSAND DOLLARS (\$1,000.00)** is paid. Payments shall be made in **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) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, the barbering and cosmetology manager's licenses for Antonio J. Garner (#081-30700); Gaulien L. Smith (#081-26335) and the establishment license for Gee's Clippers (# 080-24265) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 07BAC194, be and hereby is, closed as to all Respondents.

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush