

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
 :
CORNELL STALLWORTH. : LS0901292BAC
D’ZIRE. :
RESPONDENTS. :

Division of Enforcement Case File #: 07 BAC 280

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

Cornell Stallworth
4604 West Burleigh Street
Milwaukee, WI 53210

D’Zire
4604 West Burleigh Street
Milwaukee, WI 53210

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. A formal complaint has also been issued in this matter prior to a Stipulation being entered into by Respondent and Division of Enforcement for the Department of Regulation and Licensing. 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. D’Zire is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 33711. This license was granted on 01/23/06.
2. D’Zire’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 4604 West Burleigh Street, Milwaukee, Wisconsin 53210.

3. Cornell Stallworth, date of birth: 12/4/68, is listed as the owner and manager of record for D'Zire. Department records indicate that Mr. Stallworth holds a barbering and cosmetology manager's license, #81 28652. This license was first granted on 03/28/01.

4. Mr. Stallworth's most recent business address on file with the Department is: 4604 West Burleigh Street, Milwaukee, Wisconsin 53210.

5. As owner and manager of record, Mr. Stallworth 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, 3, and 4.

6. On or December 21, 2007, the Department received a consumer complaint alleging unprofessional conduct by an employee of D'Zire. The complaint was subsequently opened for investigation.

7. On February 13, 2008, a Department consumer protection investigator conducted an inspection of D'Zire. The inspection revealed the following violations;

An employee was practicing with an expired license. The credential had expired on June 30, 2007;

All employee licenses were not properly posted;

Some workstations were not being kept in a clean manner;

Waste receptacles containing loose hair, neck strips, and other items were not covered;

Barbicide was not being changed daily; and

Contact equipment was not being properly disinfected and stored properly.

8. On February 26, 2008, the employee's personal credential was renewed and placed into active status.

9. 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. Respondents, Cornell Stallworth and D'Zire have violated:

- a. Wis. Stat. 454.04(1)(a) and Wis. Admin. Code §§ BC 2.04(1) and 2.07(1r) by permitting an employee to provide unlicensed barbering and cosmetology services;
- b. Wis. Stat. § 454.04(7) and Wis. Admin. Code § BC 2.07(2) by failing to post all required licenses;
- c. Wis. Admin. Code § BC 3.01(4) by failing to place loose hair and other items in a closed container;
- d. Wis. Admin. Code BC 4.01(7) by failing to keep workstations clean to sight and touch;
- e. Wis. Admin. Code BC §§ 4.02 (3) (4) by failing to disinfect and store contact equipment properly; and

f. Wis. Admin. Code BC 4.02(5) by failing to change Barbicide on a daily basis.

4. Based on the number of violations found during the February 13, 2008 inspection of D'Zire, it is concluded that D'Zire was not being maintained in a clean, sanitary and safe condition.

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 **ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00)**.

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 **SIX HUNDRED DOLLARS (\$600.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due sixty (60) days from the previous payment until the full **ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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 license for Cornell Stallworth (#081-28652) and the establishment license for D'Zire (#080-33711) **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 07BAC280, be and hereby is, closed as to all Respondents.

Dated this 1st day of June, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush