

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE ALLEGED :
UNLICENSED PRACTICE BY : FINAL DECISION AND
: SPECIAL ORDER OF
: INJUNCTION
: WIS. STAT. § 440.21
IZYLAH COLLINS. :
BETTER DAYS BARBER AND :
BEAUTY SALON. :
RESPONDENTS. : LS0902131UNL
:

[Division of Enforcement Case File #: 08 UNL 042]

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

Izylah Collins
Better Days Barber and Beauty Salon
3142 N. Mayfair
Wauwatosa, WI 53222

Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms of the attached Stipulation as the final decision of this matter, subject to the approval of the Department Secretary. The Department Secretary has reviewed this Stipulation and considers it acceptable.

The Department Secretary adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Izylah Collins, date of birth: 03/23/76, was licensed to practice as a barbering and cosmetology apprentice in the State of Wisconsin. Mr. Collins' apprenticeship license, #600-77453, was granted on 02/14/01 and expired on 08/04/06.
2. The last reported business address on file with the Department of Regulation and Licensing ("Department") for Mr. Collins is: 7157 W. Burleigh Street, Milwaukee, Wisconsin 53210. The Department's investigation into the above-noted case file indicates a new business address for Mr. Collins at: 3142 N. Mayfair, Wauwatosa, Wisconsin 53222.
3. Better Days Barber and Beauty Salon ("Better Days") is licensed as a barbering and cosmetology establishment in the State of Wisconsin. Better Days' establishment license, #80-36101, was granted on 07/24/08 and is current through 03/31/09.
4. The last reported business address on file with the Department for Better Days is: 7157 W. Burleigh Street, Milwaukee, Wisconsin 53210. The Department's investigation into the above-noted case file indicates a new business address for Better Days at: 3142 N. Mayfair, Wauwatosa, Wisconsin 53222.

5. Mr. Collins is listed as the owner of record for Better Days. There is no listed barbering and cosmetology manager of record at Better Days on file with the Department.
6. As the listed owner of record for Better Days, Mr. Collins 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, and 4.
7. On or about May 23, 2008, the Department received a complaint alleging Better Days was operating without a barbering and cosmetology manager. The complaint further alleged additional unlicensed activity was taking place at Better Days.
8. On or about July 23, 2008, a consumer protection investigator from the Department conducted an inspection of Better Days at its last reported address of 7157 W. Burleigh Street, Milwaukee, Wisconsin 53210. The inspection found patrons receiving barbering and cosmetology services inside of Better Days before the establishment had obtained a barbering and cosmetology establishment license.
9. The July 23, 2008 inspection of Better Days found no barbering and cosmetology manager to be present at the time services were being provided to patrons.
10. Department records indicate Better Days was granted a barbering and cosmetology establishment license at the address of 7157 W. Burleigh Street, Milwaukee, Wisconsin 53210, on July 24, 2008.
11. The July 23, 2008 inspection of Better Days also found Jouta Cross (#600-790662; granted: 08/04/04) providing barbering and cosmetology services with an expired apprenticeship permit. According to Department records, Mr. Cross' apprenticeship permit was in expired status from August 6, 2007 through August 22, 2008.
12. The July 23, 2008 inspection of Better Days also found Darshel Harris (#600-6486; granted: 08/12/94) providing barbering and cosmetology services with a suspended apprenticeship permit. To date, the apprenticeship permit for Darshel Harris remains in suspended status.
13. On October 9, 2008, a follow-up inspection of Better Days was conducted by a Department consumer protection investigator at 7157 W. Burleigh Street, Milwaukee, Wisconsin 53210. The follow-up investigation found the salon to be vacant. There was a sign in the window which related that Better Days had relocated to 3142 N. Mayfair in Milwaukee.
14. As a result of the information obtained from the window sign, the Department investigator conducted an inspection of Better Days at the 3142 N. Mayfair location on that same day, October 9, 2008. The inspection found patrons receiving services inside of Better Days before a barbering and cosmetology establishment license for the location had been obtained.
15. The October 9, 2008 inspection of Better Days also found Mr. Collins and Ms. Harris providing barbering and cosmetology services with expired or suspended licenses.
16. The October 9, 2008 inspection also found Gregory Flood Jr. (#600-79183; granted: 11/03/04) practicing with an expired barbering and cosmetology apprenticeship permit. Department records indicate the apprenticeship permit for Mr. Flood has been in expired status since November 3, 2007.
17. The October 9, 2008 inspection of Better Days also found Laquisha L. Adams; (#081-31862; granted: 10/10/07; current through: 03/31/09) providing services at Better Days. On December 15, 2008, Ms. Adams was issued a barbering and cosmetology citation for providing barbering and cosmetology services in an unlicensed establishment.
18. To date, a new establishment license has not been obtained for Better Days at its location of 3142 N. Mayfair, Wauwatosa, Wisconsin 53222.
19. Mr. Collins understands that in order for him to operate a barbering and cosmetology establishment, he must first obtain both a barbering and cosmetology establishment license and a licensed barbering and cosmetology manager.

20. Mr. Collins understands that in order for him to provide barbering and cosmetology services, he must first obtain a current barbering and cosmetology credential.
21. Mr. Collins understands that in order for anyone to provide barbering and cosmetology services at any barbering and cosmetology establishment, those persons must first obtain current barbering and cosmetology credentials.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.21.
2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Izylah Collins and Better Days Barber and Beauty Salon have violated:
 - a. Wis. Stats. §§ 454.08 (1)(b) and 454.08(6) by operating a barbering and cosmetology establishment without first obtaining both a barbering and cosmetology establishment license and a licensed barbering and cosmetology manager on July 23, 2008;
 - b. Wis. Stats. §§ 454.08 (1)(b); 454.08(6) and Wis. Admin. Code § BC 3.06(2) by operating an unlicensed barbering and cosmetology establishment after relocating on October 9, 2008. BC 3.06(2) of the Wisconsin Administrative Code indicates that a change of location for an establishment constitutes the creation of a new establishment, which requires a new establishment license; and
 - c. Wis. Stat. § 454.04(1)(a) by permitting individuals to provide barbering and cosmetology services without first obtaining current barbering and cosmetology credentials. This violation also attaches to Izylah Collins for engaging in the practice of barbering and cosmetology without first obtaining a current credential to practice.

ORDER

NOW THEREFORE, IT IS ORDERED THAT Izylah Collins and Better Days Barber and Beauty Salon, are ENJOINED and PROHIBITED as follows:

1. IZYLAH COLLINS SHALL NOT OPERATE OR OFFER TO OPERATE A BARBERING AND COSMETOLOGY ESTABLISHMENT, UNTIL HE OBTAINS A BARBERING AND COSMETOLOGY ESTABLISHMENT LICENSE FOR SUCH AN ESTABLISHMENT.
2. IZYLAH COLLINS SHALL NOT PRACTICE OR ENDORSE OTHERS TO PRACTICE BARBERING AND COSMETOLOGY, UNLESS THEY HAVE OBTAINED A CURRENT BARBERING AND COSMETOLOGY CREDENTIAL.
3. Violation of the order described in Paragraphs 1 and 2 above may result in a forfeiture of up to \$10,000 for each offense, and each day of a continued violation constitutes a separate offense. Violation of the order described in Paragraphs 1 and 2 above may also constitute a referral to the office of the local District Attorney or Attorney General for further action.
4. This order shall become effective on the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson
Secretary

2/13/09