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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

WILLIAM E. CAMPBELL and
MONKS BARBER SHOP,

RESPONDENTS.

FINAL DECISION AND ORDER
LS0906014BAC

Division of Enforcement Case File Number: 06 BAC 050

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

William E. Campbell
4394 North 27th Street
Milwaukee, Wisconsin 53216

Monks Barber Shop
4394 North 27th Street
Milwaukee, Wisconsin 53216

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

1. Monks Barber Shop is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin (License Number 80-18782). This license was first granted on March 3, 1982, and expired on April 1, 2009. From July 1, 1997, through May 5, 2006, the license was also in expired status. The last address reported to the Department of Regulation and Licensing (hereinafter Department) for Monks Barber Shop is 4394 North 27th Street located in Milwaukee, Wisconsin 53216.
2. William E. Campbell whose date of birth is June 22, 1935, is duly licensed as a barbering or cosmetology manager in the State of Wisconsin (License Number 81-22615). The license was first granted on March 3, 1982, and expired on April 1, 2009. The last address reported to the Department by Mr. Campbell is 4394 North 27th Street in Milwaukee, Wisconsin 53216. Mr. Campbell is identified in records of the Department as the owner and manager of Monks Barber Shop. As the owner of a licensed barbering and cosmetology establishment, Mr. Campbell is responsible for compliance with Ch. 454 of the Wisconsin Statutes and Chs. BC 2, 3 and 4 of the Wisconsin Administrative Code. As manager of a licensed barbering and cosmetology establishment, Mr. Campbell is responsible for compliance with Ch.

3. On May 4, 2006, Investigator Douglas Austin from the Department inspected Monks Barber Shop. Investigator Austin could not find any licenses posted in the establishment. During the inspection, Mr. Austin discovered that the establishment license for Monks Barber Shop had expired on July 1, 1997, and had not been renewed.
4. Mr. Austin observed Garland Hall performing barbering or cosmetology services at the time of the inspection. Mr. Hall informed Mr. Austin that he had rented his booth space from Mr. Campbell. Mr. Hall did not have an establishment license and stated that he did not know that he needed to obtain one. Mr. Hall told Mr. Austin that he changed his Barbicide approximately every two to three months. Mr. Austin noted that Mr. Hall's hair washing basin was very dirty with matter in the sink. Mr. Hall was duly licensed in the State of Wisconsin as a barbering or cosmetology manager (License Number 81-20398) at the time of the inspection.
5. Mr. Austin next inspected Mr. Campbell's workstation and found that his hair washing basin was very dirty and had hair on the drain screen. Mr. Austin noted that the jar used for disinfection was only one-third full of Barbicide and that what Barbicide was present was cloudy and that there was layer of matter at the bottom of the jar. Mr. Austin also discovered that Mr. Campbell's current manager's license was not posted in the barber shop.
6. Monks Barber Shop was granted a barbering or cosmetology establishment license on May 5, 2006, the day after Mr. Austin's inspection. In August 2006, Mr. Hall informed Mr. Austin that he had worked at Monks Barber Shop for about ten (10) years without a written lease agreement for the booth rental.
7. Mr. Hall has never applied for or been granted a barbering or cosmetology establishment license in the State of Wisconsin for the booth rental at Monks Barber Shop. It is unknown if a written lease agreement for the booth rental now exists between Mr. Hall and Mr. Campbell.
8. In resolution of this matter William E. Campbell and Monks Barber Shop consent 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 s. 454.15, Wis. Stats.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to s. 227.44 (5), Wis. Stats.
3. By the conduct referred to in the above Findings of Fact, William E. Campbell and Monks Barber Shop have violated:
 - a. Section 454.06 (7), Wis. Stats.: The examining board shall furnish a certificate to each licensee, certifying the holder is licensed to practice barbering or cosmetology, aesthetics, electrology or manicuring or is a licensed manager. The licensee shall post the certificate in a conspicuous place in the licensed establishment.
 - b. Section 454.08 (1) (b), Wis. Stats.: 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).
 - c. Section 454.08 (8), Wis. Stats.: The examining board shall furnish a certificate to the owner of a licensed establishment, certifying that the establishment is licensed by the examining board. The owner shall post the certificate in a conspicuous place in the establishment.
 - d. Section 454.15 (2) (i), Wis. Stats.: Any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.

- e. Section BC 2.04 (1), Wis. Admin. Code: Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
- f. Section BC 2.04 (2), Wis. Admin. Code: Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.
- g. Section BC 2.045 (1), Wis. Admin. Code: 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.
- h. Section BC 2.06, Wis. Admin. Code: The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.
- i. Section BC 2.07 (1), Wis. Admin. Code: The licensed manager of a barbering and cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. BC 3 and 4.
- j. Section BC 2.08 (1) (a), Wis. Admin. Code: Licensees shall be responsible for compliance with sanitation and safety precautions contained in ch BC 4.
- k. Section BC 3.01 (13), Wis. Admin. Code: The establishment license shall be posted in the establishment.
- l. Section BC 3.02 (2) (a), Wis. Admin. Code: An owner may lease a chair or booth to a licensed individual as follows.
 - a. A lease agreement shall be in writing.
- m. Section BC 3.02 (2) (b), Wis. Admin. Code: An owner may lease a chair or booth to a licensed individual as follows.
 - b. The lessee of the chair or booth shall be responsible of ensuring that the lease chair or booth operates in compliance with ch. 454, Stats., and that the rules of the board, and the lessee shall hold a manager's and an establishment license.
- n. Section BC 4.01 (1), Wis. Admin. Code: All areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.
- o. Section BC 4.01 (5), Wis. Admin. Code: Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.
- p. Section BC 4.02 (5), Wis. Admin. Code: Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that William E. Campbell and Monks Barber Shop shall severally and jointly pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND THREE HUNDRED dollars (\$1,300.00).

IT IS FURTHER OREDERED that William E. Campbell and Monks Barber Shop shall severally and jointly pay full costs in the amount of SIX HUNDRED dollars (\$600.00) in this matter.

All payments shall be submitted within 90 days from the date of this order. 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

IT IS FURTHER ORDERED that in the event that William E. Campbell and Monks Barber Shop fail to timely submit any payment of the forfeiture and costs as set forth above, the barbering or cosmetology manager license of William E. Campbell (License Number 81-22615) and the barbering or cosmetology establishment license of Monks Barber Shop (License Number 80-18782) **SHALL BE SUSPENDED**, without further notice or hearing until William E. Campbell and Monks Barber Shop have 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

6/1/09
Date