

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SHAY L. BENITEZ and
MAKING WAVES
RESPONDENTS.

ORDER DENYING RESPONDENTS'
REQUEST FOR REINSTATEMENT OF
LICENSE AND PAYMENT PLAN

LS 0610121 BAC

To: Shay L. Benitez
Making Waves
203 Riverside Blvd.
Amery, WI 54001

Division of Enforcement
Department of Regulation and Licensing
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Barbering and Cosmetology Examining Board (Board) issued an Order dated February 5, 2007, ordering Shay L. Benitez and Making Waves (Respondents, collectively), jointly and severally, to pay costs in the amount of \$1,300.00 and a forfeiture in the amount of \$1,500.00. The Order called for installment payments pursuant to a specified schedule. Due to Respondents' failure to make all payments as ordered, a Notice of Delinquent Forfeiture was issued on June 2, 2008 and the Respondents' licenses were suspended. By letter dated January 13, 2010, Respondents asked the Board to reinstate the licenses and extend the time for payment of costs and forfeitures. The Board considered this request at its May 3, 2010 meeting.

FINDINGS OF FACT

1. The April 3, 2006 Order provided that all payments and submissions required by the Order be mailed or delivered to the Department Monitor, Division of Enforcement, Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.
2. According to the records and information presented by the Division of Enforcement Department Monitor, the Respondents made some payments, but failed to make all scheduled payments as Ordered, with the last payment being made on or around January, 18, 2008.
3. The Respondents' request for reinstatement of license and payment plan should be denied based upon the Respondents' failure to comply with the terms and conditions of the Board's Order.


CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stats. s. 454.15.

2. The Respondents have violated the Board's Order by not paying the costs and forfeitures as ordered.

THEREFORE IT IS HEREBY ORDERED that the Respondents' request for reinstatement of license and payment plan is DENIED.

Dated this 25th day of May, 2010.



Jeannie M. Bush, Chair
Barbering and Cosmetology Examining Board