

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION INVOLVING**

**VARIANCE TO
ADMINISTRATIVE LAW JUDGE'S
PROPOSED DECISION**

LS-0811121 UNL

**CORDELL HAYES and
A NEW LOOK BARBERSHOP
RESPONDENTS.**

Division of Enforcement Case Number 08 UNL 096

**To: Cordell Hayes
2647 North 52nd Street
Milwaukee, WI 53210**

**A New Look Barbershop
1842 W. Atkinson Avenue
Milwaukee, WI 53206**

**Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708**

**Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708**

PROCEDURAL HISTORY

This proceeding was commenced by the filing of a Notice of Hearing (Notice) and a Petition for an Administrative Injunction (Petition) on November 12, 2008. A hearing was held in the above-captioned matter on January 15, 2009. Attorneys John Nicholas Schweitzer and Mark Herman appeared on behalf of the Division of Enforcement (Division), Department of Regulation and Licensing (Department). The Respondents did not file an Answer to the Complaint and did not appear at the hearing held in this matter.

The Administrative Law Judge issued a Proposed Decision on April 30, 2009. The Department of Regulation and Licensing adopts the proposed Findings of Fact, but modifies the proposed Conclusions of Law and Order as more fully described below.

FINDINGS OF FACT

1. The Respondent, Cordell Hayes, resides at 2647 N. 52nd Street, Milwaukee, WI 53210. Mr. Hayes owns A New Look Barbershop located at 1842 W. Atkinson, Milwaukee, Wisconsin 53206.

2. On November 12, 2008, the Department of Regulation and Licensing, Division of Enforcement, filed a Notice of Hearing and a Petition for an Administrative Injunction involving Mr. Hayes and A New Look Barbershop. The Petition alleges, in part, the following:

The first respondent in this petition is Cordell Hayes. Mr. Hayes's current mailing address is 2647 North 57th Street, Milwaukee, WI 53210. Mr. Hayes owns A New Look Barbershop. Mr. Hayes does not hold a license from the Department of Regulation and Licensing.

The second respondent in this petition is A New Look Barbershop, located at 1842 W. Atkinson, Milwaukee, WI 53206. A New Look Barbershop does not hold a license from the Department of Regulation and Licensing.

On July 23, 2008, the Department Investigator Kelley E. Sankbeil visited A New Look Barbershop at 1842 West Atkinson in Milwaukee, Wisconsin and observed barbering and cosmetology services being performed on the premises.

3. On November 12, 2008, the Division mailed copies of the Notice and the Petition to Mr. Hayes at 2647 North 57th Street, Milwaukee, WI 53210, by certified and first class mail. Both mailings to 2647 North 57th Street, Milwaukee, WI 53210 were returned to the Division and stamped, "No such number." The certified mailing was returned to the Division on November 17, 2008. The first class mailing was returned to the Division on November 18, 2008.

4. On November 12, 2008, the Division mailed copies of the Notice and the Petition to A New Look Barbershop at 1842 W. Atkinson, Milwaukee, Wisconsin 53206, by certified and first class mail. The certified mailing to 1842 W. Atkinson, Milwaukee, Wisconsin 53206 was returned to the Division on February 4, 2009, marked, "Unclaimed." The first class mailing to 1842 W. Atkinson, Milwaukee, Wisconsin 53206 was not returned to the Division.

5. On January 14, 2009, Mr. Hayes filed an application with the Department for a barber or cosmetologist establishment license for A New Look Barbershop. The license was granted on January 20, 2009. On the application, Mr. Hayes listed his home address as 2647 North 52nd Street, Milwaukee, WI.

6. The Respondents did not file an Answer to the Petition and did not appear at the hearing held in this matter.

7. At the hearing held on January 15, 2009, the Division of Enforcement made a motion for default.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to Wis. Stats., § 440.21.

2. The issues in this case are moot. An administrative injunction cannot have any practical legal effect upon the existing controversy.

ORDER

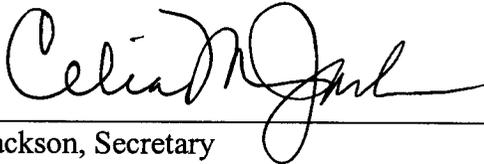
NOW THEREFORE, IT IS ORDERED that the Division's Petition for an Administrative Injunction filed in this matter against the Respondents be, and hereby is, dismissed.

This order is effective as of the date it is signed.

EXPLANATION OF VARIANCE

This controversy became moot when an establishment license was issued to Respondent A New Look Barbershop. An Administrative Injunction to enjoin an activity which has already ceased has no practical legal effect. Because the matter is moot, the proposed Conclusion of Law as to the adequacy of service has been deleted and replaced with a Conclusion of Law finding the matter moot. In addition, the portion of the proposed Order ruling on the Motion for Default was deleted.

Dated at Madison, Wisconsin this 20th day of August, 2010.



Celia M. Jackson, Secretary
Department of Regulation and Licensing