

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	:	
	:	FINAL DECISION AND ORDER
CHOATES SPORT CUTS, INC., SPORTCUTS,	:	
AND CHARLES CHOATE,	:	ORDER 0000 413
RESPONDENTS	:	

Division of Enforcement Case File # 07 BAC 250 and 09 BAC 016

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

Choates Sport Cuts, Inc.
8621 S. Howell Ave.
Oak Creek, WI 53154

Sportcuts
4698 S. Whitnall Ave.
St. Francis, WI 53235

Charles Choate
2479 South Greenlinks Drive
Milwaukee, WI 53227

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Wisconsin 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 Wisconsin Barbering and Cosmetology Examining (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. Respondent Choates Sport Cuts, Inc. is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-33899. This license was first granted to Choates Sport Cuts, Inc. on 03/30/2006 and is current through 03/31/2011.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Choates Sport Cuts, Inc. is 8621 S. Howell Ave., Oak Creek, WI 53154.
3. Respondent Sportcuts is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-35199. This license was first granted to Sportcuts on 08/17/2007 and is current through 03/31/2011.
4. The most recent address on file with the Department for Respondent Sportcuts is 4698 S. Whitnall Ave., St. Francis, WI 53235.
5. Respondent Charles Choate is listed as the owner of Respondent Choates Sport Cuts, Inc. and Respondent Sportcuts.
6. The most recent addresses known to the Department for Respondent Charles Choate are 8621 S. Howell Ave., Oak Creek, WI 53154, 4698 S. Whitnall Ave., St. Francis, WI 53235 and 2479 South Greenlinks Drive, Milwaukee, WI 53227.
7. On or about December 5, 2007, the Department received a complaint alleging that the Sportcuts salons in Oak Creek, South Milwaukee, and St. Francis had the same barbering and cosmetology manager for all three salons. A case (# 07 BAC 250) was subsequently opened for investigation.
8. On or about February 18, 2009, the Department received a complaint alleging that Charles Choate had falsely reported to the Department that H.M. was working as the manager of Choates Sport Cuts, Inc. A case (# 09 BAC 016) was subsequently opened for investigation.
9. The Department's investigation revealed the following:
 - a. There was no licensed barbering and cosmetology manager for Choates Sport Cuts, Inc. from late May 2008 through November 2008;
 - b. There was no licensed barbering and cosmetology manager for Choates Sport Cuts, Inc. from April 2009 through August 2009; and
 - c. There was no licensed barbering and cosmetology manager for Sportcuts from December 2007 through September 11, 2008.
10. On June 3, 2009, during the course of the Department's investigation, an investigator from the Department made an unannounced visit to Choates Sports Cuts, Inc. in Oak Creek, Wisconsin. The inspection found the salon to be very clean and orderly and in compliance with barbering and cosmetology sanitation and equipment rules.

11. In resolution of this matter, Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate 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 Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in paragraph 9 of the Findings of Fact, Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate have violated:

- a. Wis. Admin. Code § BC 2.06(5) by having no manager of record for over 90 days on multiple occasions; and
- b. Wis. Admin. Code § BC 3.02(1) by operating barbering and cosmetology establishments without licensed managers for the establishments.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate be, and hereby are, REPRIMANDED.

2. Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate shall pay COSTS in the amount ONE THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$1,215.00) and a FORFEITURE in the amount of SEVEN HUNDRED DOLLARS (\$700.00). Each respondent shall be responsible for paying one third of the costs and one third of the forfeiture.

IT IS FURTHER ORDERED that:

3. A payment of SEVEN HUNDRED FIFTEEN DOLLARS (\$715.00) will be paid within thirty (30) days from the date of this Order and five (3) more payments of FOUR HUNDRED DOLLARS (\$400.00) will be paid every ninety (90) days from the previous payment due date until \$1,915.00 is paid in full.

4. Payment of the costs and forfeiture 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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit payment of the costs and payment of the forfeiture as ordered and as set forth above, the Respondents' licenses (# 80-33899 and # 80-35199) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs and forfeiture.

IT IS FURTHER ORDERED, that files, 07 BAC 250 and 09 BAC 016 be, and hereby are, closed as to Respondents Choates Sport Cuts, Inc., Sportcuts, and Charles Choate.

6. This Order is effective on the date of its signing.

Dated this 13 day of September, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leanne M Bush