

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
AGUSTIN A. GARNICA,	:	ORDER 0000509
RESPONDENT.	:	
	:	

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Division of Enforcement Case No. 08 BAC 246

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

Agustin A. Garnica  
1031 W. Mitchell St.  
Milwaukee, WI 53204

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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 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 Agustin A. Garnica is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, having license # 81-18905. This license was first granted to him on 12/05/88 and is current through 3/31/11. The most recent address on file with the Department of Regulation and Licensing for Mr. Garnica is 1031 W. Mitchell Street, Milwaukee, WI 53204.

2. Agustin A. Garnica is the owner and manager of Tasos Hair Studio (license number 80-15894), part owner and manager of Reinas Beauty Salon (license number 80-32493), and owner and manager for La Tijera (license number 80-30444). As owner and manager of the three establishments, Mr. Garnica was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

3. On August 5, 2008, an investigator from the Department of Regulation and Licensing contacted Mr. Garnica who admitted to being manager of record for United Community Center, license number 80-32172. At the same time, Mr. Garnica was also listed as manager of record for Tasos Hair Studio, Reinas Beauty Salon, and La Tijera.

4. Mr. Garnica provided information that he worked at Tasos Hair Studio, Reinas Beauty Salon, and La Tijera from 8:30 am to 8:30 pm during the week. All three establishments are closed on Sundays. Additionally, Mr. Garnica stated he volunteers at the United Community Center on Thursdays from 11:00 am to 1:30 pm. Thus, Mr. Garnica has 69.5 hours per week to work between the three establishments.

#### 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. Respondent Agustin A. Garnica has violated Wis. Stat. § 454.08(6) and Wis. Admin. Code § BC 3.02(1)(b) by failing to employ at least one person as manager who holds a manager license and works “full time” in the establishment, defined as 30 hours per week, Wis. Admin. Code § BC 1.01(7). As a result, he is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The barbering or cosmetology manager license of Agustin A. Garnica (license # 81-18905) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall pay a **FORFEITURE** in the amount of **THREE THOUSAND DOLLARS (\$3000.00)** and **COSTS** in the amount of **TWO HUNDRED AND TWENTY DOLLARS (\$220.00)**, for a total of **THREE THOUSAND TWO HUNDRED AND TWENTY DOLLARS (\$3220.00)**.

3. A down payment of TWO HUNDRED TWENTY DOLLARS (\$220.00) shall be submitted within 30 days of the date of this order and ten (10) more payments of THREE HUNDRED DOLLARS (\$300.00) will be due every ninety (90) days from the date of the previous payment due date until the full THREE THOUSAND TWO HUNDRED AND TWENTY (3220.00) is paid in full.

4. Payment of the costs and forfeiture shall be made 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) 261-7904, 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 Respondent's license. 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 Respondent fails to timely submit payment of the costs and forfeiture as set forth above, the Respondent's license (#81-18905) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture.

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

7. File 08 BAC 246 is hereby closed.

Dated this 1 day of Nov, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie MBush