

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
YOLANDA EASON,	:	
RESPONDENT.	:	ORDER 0000 645

Division of Enforcement Case File 09 BAC 046

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

Yolanda Eason
3258 North 41st Street
Milwaukee, WI 53216

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

Wisconsin Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 (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 Yolanda Eason is licensed in the state of Wisconsin as a Barbering and Cosmetology Manager, license number 81-28519. This license was first granted to her on 11/06/2000 and is current through 03/31/2011.
2. The most recent address on file with the Department for Respondent Eason is 3258 North 41st Street, Milwaukee, WI 53216.

3. In April 2009, the Department received a complaint alleging unlicensed practice at Alamode Barber & Beauty Salon (Alamode) in Milwaukee, Wisconsin. A case was subsequently opened for investigation on or about May 26, 2009.

4. On April 3, 2009, a Department Investigator contacted Alamode by telephone and spoke with Darshel Harris. Ms. Harris explained that the location had been known as Better Dayz, but her brother, Larry Williams, was taking over the business. Ms. Harris was advised that Alamode would need a new establishment license. Alamode obtained an establishment license on May 21, 2009.

5. On May 21, 2009, a Department Investigator made an unannounced visit to Alamode and performed an inspection. The inspection revealed the following:

- a. Jasmine Flowers (license number 82-89186) was working with an expired practitioner license;
- b. Darshel Harris (permit number 600-6486) was working with a suspended apprentice permit;
- c. There was no posted price list;
- d. The establishment was not clean to sight/touch;
- e. There were hair clippings found with the clean contact equipment;
- f. There was no supply of bandages;
- g. The contact disinfectant being used was not tuberculocidal;
- h. The contact disinfectant was not being changed daily; and
- i. There was no blood protocol posted.

6. A Notice of Compliance was issued during the May 21, 2009 inspection. The Notice of Compliance was not returned to the Department.

7. On July 17, 2009, a Department investigator performed another inspection of Alamode. The inspection revealed the following:

- a. Jasmine Flowers (license number 82-89186) was still working with an expired practitioner license; and
- b. Darshel Harris (permit number 600-6486) was still working with an expired apprentice permit.

8. Jasmine Flowers obtained a barbering and cosmetology manager license on November 13, 2009.

9. Darshel Harris' apprentice permit was renewed on August 27, 2009 and became active on October 23, 2009. Ms. Harris' apprentice permit expired on February 8, 2010.

10. On October 6, 2010, a Department investigator made another unannounced visit to Alamode. The visit revealed the following:

- a. Darshel Harris (permit number 600-6486) was working with an expired apprentice permit; and
- b. Ms. Harris was providing services in the salon without the required apprentice supervision.

11. At all times relevant to this Order, Respondent Eason was the manager for Alamode.

12. In resolution of this matter, Ms. Eason consents 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 the above Findings of Fact, Respondent Yolanda Eason has violated:

- a. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by assisting in unlicensed practice of barbering and cosmetology;
- b. Wis. Admin. Code § BC 2.05(2) by failing to post a price list or proper signage;
- c. Wis. Admin. Code § BC 4.01(1) by failing to maintain the salon in a clean, sanitary and safe condition;
- d. Wis. Admin. Code § BC 4.02(4) by storing soiled contact equipment with clean contact equipment;
- e. Wis. Admin. Code § BC 4.04(2) by failing to have a supply of bandages;
- f. Wis. Admin. Code § BC 4.02(3) by failing to use a tuberculocidal disinfectant;

- g. Wis. Admin. Code § BC 4.02(5) by failing to change disinfectant daily;
- h. Wis. Admin. Code § BC 4.05(2) by failing to have a written protocol describing the procedure for exposure to bodily fluids; and
- i. Wis. Admin. Code § BC 6.04(1) by failing to supervise the training of an apprentice.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Ms. Eason is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Yolanda Eason (license number 81-28519) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Yolanda Eason shall pay a FORFEITURE in the amount of ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) and COSTS in the amount of TWO HUNDRED FIFTY-FIVE DOLLARS (\$255.00) for a total of TWO THOUSAND FIFTY-FIVE DOLLARS (\$2,055.00).

3. A down payment of TWO HUNDRED FIFTY-FIVE DOLLARS (\$255.00) shall be paid within 30 days from the date of this Order and six (6) more payments of THREE HUNDRED DOLLARS (\$300.00) shall be due every ninety (90) days from the date of the previous due date until the full TWO THOUSAND FIFTY-FIVE DOLLARS (\$2,055.00) 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) 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 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 ordered and as set forth above, Respondent's license (number 81-28519) 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.

Dated this 31 day of January, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Janice M. Baech