

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
KAVIN R. GRAYS AND UNIQUE CUTS, :
RESPONDENTS. : **ORDER 0000923**

Division of Enforcement Case Number 10 BAC 014

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

Kavin R. Grays
7058 Fairfield Court, Unit 201
Racine, WI 53406

Unique Cuts
Attn: Kavin R. Grays
409 High Street
Racine, WI 53402

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 Kavin R. Grays (dob 12/26/1975) is licensed in the state of Wisconsin as a Barbering and Cosmetology Practitioner, having license number 82-83911, first issued on 12/21/2004 and current through 03/31/2011. Mr. Gray's most recent address on file

with the Wisconsin Department of Regulation and Licensing (Department) is 7058 Fairfield Court, Unit 201, Racine, WI 53406.

2. Respondent Unique Cuts is licensed in the state of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-37450, first issued on 03/24/2010 and current through 03/31/2011. Unique Cuts' most recent address on file with the Department is 409 High Street, Racine, WI 53402. Respondent Kavin R. Grays is the owner of Unique Cuts.

3. On or about October 28, 2009, the Department received a complaint alleging unlicensed practice at Unique Cuts in Racine, Wisconsin. A case was subsequently opened for investigation.

4. On March 18, 2010, a Department Investigator made an unannounced visit to Unique Cuts and performed an inspection. The inspection revealed the following:

- a. Respondent Unique Cuts was previously located at 4106 Spring Street in Racine, WI and held an establishment license for that location from the time the license was granted on December 19, 2006 until the establishment license expired on June 30, 2007.
- b. On an undetermined date after the establishment license expired, but approximately one year before the Department performed the March 18, 2010 inspection, Respondent Unique Cuts moved from the 4106 Spring Street location to the 409 High Street location.
- c. Respondent Unique Cuts failed to notify the Department about the change in location and the establishment failed to submit a new establishment license application for the change of the establishment's location.
- d. Respondent Unique Cuts had been open for approximately one year without the required barbering and cosmetology establishment license at the 409 High Street location;
- e. Respondent Kavin R. Grays named Anthony Jones, Mike Harper, and Steve Goldman as unlicensed individuals who were renting chairs and providing barbering and cosmetology services without the required manager and establishment licenses;
- f. There were hair clippings on the floor, on the workstations, in workstation drawers, and on equipment;
- g. The clean implements were not stored in closed containers; and
- h. The disinfectant used for decontamination was not being changed daily.

5. A Notice of Compliance was issued during the March 18, 2010 inspection. The Notice of Compliance was signed by Mr. Grays on March 26, 2010 and returned to the Department.

6. Unique Cuts obtained a barbering and cosmetology establishment license for the 409 High Street location on March 24, 2010.

7. In resolution of this matter, Respondents Kavin R. Grays and Unique Cuts 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 4 of the Findings of Fact, Respondents Kavin R. Grays and Unique Cuts have violated:

- a. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.045(1) and 3.01(1) by operating an unlicensed establishment;
- b. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by assisting in unlicensed practice of barbering and cosmetology;
- c. Wis. Admin. Code §§ BC 3.04(1) and 3.06(2) by failing to submit a new establishment license application for the change of the establishment's location.
- d. Wis. Admin. Code § BC 3.02(2)(b) by leasing chairs to individuals who do not possess the required manager's and establishment licenses.
- e. Wis. Admin. Code §§ BC 4.01(1), 4.01(7), 3.01(1) and 3.01(4) by failing to maintain the salon in a clean, sanitary and safe condition and failing to keep clean implements in a closed container; and
- f. Wis. Admin. Code § BC 4.02(5) by failing to change disinfectant daily;

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Respondents Kavin R. Grays and Unique Cuts are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Kavin R. Grays (license number 82-83911) and Unique Cuts (license number 80-37450) are hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Kavin R. Grays shall, within 90 days of the date of this Order, pay a FORFEITURE in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) and COSTS in the amount of TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275.00) for a total of ONE THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$1,375.00).

3. Respondent Unique Cuts shall, within 90 days of the date of this Order, pay a FORFEITURE in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) and COSTS in the amount of TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275.00) for a total of ONE THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$1,375.00).

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 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 forfeiture as ordered and as set forth above, Respondents' licenses (numbers 82-83911 and 80-37450) 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.

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

Dated this 27 day of June, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: James M. Boeck