

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ELAINE CARDOSO,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001258

Division of Enforcement Case No. 11 BAC 089

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

Elaine Cardoso
2063 W. Prospect Avenue
Milwaukee, WI 53202

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

Division of Enforcement
Department of Safety and Professional Services
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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Elaine Cardoso (dob 02/23/1962) is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, having license number 33950-81, first issued on 06/10/11 and current through 03/31/13. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2063 W. Prospect Ave., Milwaukee, WI 53202.

2. Respondent previously had a manager's license with license number 27479-81 which was granted on 7/22/1998 and expired on 6/30/2003.

3. Respondent continued to practice barbering or cosmetology from 6/30/2003 until 06/10/2011 without a valid license.

4. Respondent was practicing aesthetics at Great Lakes Dermatology under doctor delegation without a license as observed by Investigator Michelle Krisher on a visit on September 16, 2010.

5. Respondent told the investigator that she also rented a chair at Bryn & Company Hair Studios. A follow-up visit by the investigator to Bryn & Company on February 15, 2011, found Respondent continuing to provide barbering and cosmetology services without a valid license.

6. Respondent was advertising herself as a "licensed medical aesthetician" on her Linked-In website during the period when she was unlicensed.

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 Findings of Fact, Respondent violated Wis. Stat. §454.04(1) and Wis. Admin. Code § BC 2.04(1) by practicing barbering or cosmetology without a license.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § BC 3.02(2)(b) by operating a chair or booth without holding a manager license.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § BC 2.05(1) by falsely advertising that she was a licensed aesthetician.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. The barbering or cosmetology manager license of Respondent Elaine Cardoso (license number 33950-81) is hereby SUSPENDED for 10 days starting 15 days following the date of this order.

3. Within 90 days of the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$3100.

4. Payment of the forfeiture shall be made at a rate of \$100 per month beginning 90 days after the date of this order and on the 15th of every month thereafter until paid in full.

5. Payment of forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

6. 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 forfeiture and costs as ordered, Respondent's license (no. 33950-81) 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 forfeiture and costs.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: Janice M. Bueck
A Member of the Board

12-05-11
Date