

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

JAMES F. RIEDL AND
CAPITOL WEST BARBER SHOP,
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0001464

Division of Enforcement Case No. 11 BAC 139

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

James F. Riedl
9816 W. Capitol Dr.
Milwaukee, WI 53222

Capitol West Barber Shop
9816 W. Capitol Dr.
Milwaukee, WI 53222

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 James F. Riedl is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, having license number 81-22429, first issued on 02/12/1968 and current through 03/31/2013. This license was expired from 4/1/2011 until 12/16/2011. Mr.

Riedl's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9816 W. Capitol Dr., Milwaukee, WI 53222.

2. Respondent Capitol West Barber Shop is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 80-18596, first issued on 05/18/1981 and current through 03/31/2013. Capitol West Barber Shop's most recent address on file with the Department is 9816 W. Capitol Dr., Milwaukee, WI 53222.

3. On or about September 2, 2011, the Department received a complaint alleging sanitation violations at Capitol West Barber Shop. Division of Enforcement case number 11 BAC 139 was subsequently opened for investigation.

4. On December 15, 2011, a Department investigator performed an unannounced inspection of Respondent Capitol West Barber Shop and noted the following violations:

- a. Piles of hair were swept into the corner of the salon;
- b. Poisonous substances (bleach and Comet) were stored unlocked in the public restroom;
- c. Workstation drawers contained contact equipment mixed in with non-barbering implement items (e.g. screwdriver, pencil, pen, key ring);
- d. There were hair clippings on workstation table tops; and
- e. Hair shavings were found on the electric clipper handle.

5. The Department's investigation further revealed that Respondent Riedl worked with an expired barbering and cosmetology manager license from April 1, 2011 until it was renewed on December 16, 2011.

6. In resolution of this matter, Respondents James F. Riedl and Capitol West Barber Shop 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 the Findings of Fact, Respondents violated:

- a. Wis. Admin. Code § BC 3.01(4) by failing to keep the floor in a clean, orderly and safe condition;
- b. Wis. Admin. Code § BC 3.01(6) by storing poisonous substances unlocked in a public area;
- c. Wis. Admin. Code § BC 4.02(4) by failing to keep clean and disinfected contact equipment separate from non-disinfected items;
- d. Wis. Admin. Code § BC 4.01(1) by failing to maintain all areas of the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition; and

- e. Wis. Admin. Code § BC 2.04(1) by assisting and participating in Respondent Riedl's unlicensed practice of barbering and cosmetology.

3. By the conduct described in the Findings of Fact, Respondent Riedl violated Wis. Stat. § 454.04(1)(a) by working with an expired barbering and cosmetology manager license.

4. As a result of the above violations, Respondents James F. Riedl and Capitol West Barber Shop are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and 454.15(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents James F. Riedl and Capitol West Barber Shop are hereby REPRIMANDED.
3. Within 120 days of the date of this Order, Respondent Riedl shall pay a FORFEITURE in the amount of \$700.00 and COSTS of this matter in the amount of \$190.00.
4. Within 120 days of the date of this Order, Respondent Capitol West Barber Shop shall pay a FORFEITURE in the amount of \$700.00 and COSTS of this matter in the amount of \$190.00.
5. Payment of forfeiture and costs 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 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 forfeiture and costs as ordered, Respondents' licenses (nos. 81-22429 and 80-18596) 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 forfeiture and costs.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: 
A Member of the Board

4-2-12
Date