

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

MI CHA SCOVILLE
AND
KIM'S BARBER SHOP,
RESPONDENTS.

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:
:

FINAL DECISION AND ORDER

ORDER 0001465

Division of Enforcement Case No. 10 BAC 086

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

Mi Cha Scoville
11608 West Beloit Newark Rd
Beloit, WI 53511

Kim's Barber Shop
ATTN: Mi Cha Scoville
922 4th St
Beloit, WI 53511

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 Mi Cha Scoville (dob 2/10/1949) is licensed in the State of Wisconsin as a barbering and cosmetology manager, having license number 28672-81, first issued on 05/01/2001. Respondent's license expired on 3/31/2011 and has not been renewed. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 11608 West Beloit Newark Rd, Beloit, WI 53511.

2. Respondent Kim's Barber Shop is licensed in the State of Wisconsin as a barbering and cosmetology establishment, having license number 29991-80, first issued on 08/16/2001 and current through 03/13/2013. Respondent's most recent address on file with the Department is 922 4th St., Beloit, WI 53511. At all relevant times Respondent Scoville was the owner and responsible manager of record for Respondent Kim's Barber Shop.

3. On 9/24/2010, Department investigators visited Respondent Kim's Barber Shop to investigate complaints of unlicensed activity and sanitation issues. The investigator observed the following:

- a. There were two African American men cutting patrons' hair. When asked for their identification, they refused to provide it or provide proof that they were licensed to cut hair.
- b. The salon did not have a tuberculocidal agent available for disinfecting contact equipment.
- c. Three barbicide containers had large amounts of loose hair and residue in cloudy solutions indicating they were not changed daily. The lids were not completely closed.
- d. The waste cans containing refuse and loose hair at three workstations were uncovered.
- e. The shampoo sink was not in a clean and sanitary condition.
- f. Dirty towels were draped on the shampoo sink.
- g. Poisonous substances were stored in unlocked cabinets in the bathroom.
- h. There was loose hair on each workstation, counters, chairs and the floor.

4. There is a previous case against these Respondents for sanitation violations.

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 Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by allowing two men to practice barbering and cosmetology without a license.

3. By the conduct described in the Findings of Fact, Respondents further violated the following sanitation rules:

- a. Wis. Admin. Code §§ BC 4.01(1), (5), and (7) by not maintaining all areas of the establishment, equipment, tools and implements in a clean, sanitary and safe condition, maintaining shampoo bowls in a sanitary manner, and maintaining equipment and instruments as clean to sight and touch.
- b. Wis. Admin. Code §§ BC 4.02(1) – (5) by not disinfecting equipment correctly, not using a tuberculocidal disinfectant on combs and other contact equipment, not keeping disinfected and/or soiled contact equipment in covered containers, and not changing disinfectant daily and keeping it in a covered container.
- c. Wis. Admin. Code §§ BC 3.01(4) and 2.03(5) by not keeping the floors coverings in a clean, orderly and safe condition, placing loose hair in a closed container, and taking adequate and necessary precautions to protect the patron from health and safety hazards.
- d. Wis. Admin. Code § BC 3.01(6) by not providing safe and secure areas for storing cleaning and disinfecting equipment and locking poisonous substances in public areas in a closet or cabinet.
- e. Wis. Admin. Code § BC 3.01(7) by not storing soiled linen in proper containers.

4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents Mi Cha Scoville and Kim's Barber Shop are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Mi Cha Scoville shall pay a FORFEITURE in the amount of \$1525 and COSTS of this matter in the amount of \$293. Within 90 days of the date of this Order, Kim's Barber Shop shall pay a FORFEITURE in the amount of \$1525 and COSTS of this matter in the amount of \$293.

4. 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:

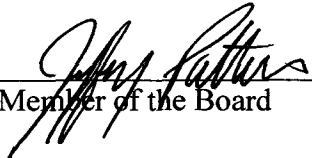
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

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 forfeiture and costs as ordered, Respondents' licenses (nos. 28672-81 and 29991-80) 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.

6. 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