

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FREDDIE L. HOLLOWAY AND
BREW CITY BARBERING,
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 000 3160

Division of Legal Services and Compliance¹ Case No. 11 BAC 174

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

Freddie L. Holloway
3321 N. First St.
Milwaukee, WI 53212

Brew City Barbering
2554 W. Fond Du Lac Ave.
Milwaukee, WI 53216

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

Division of Legal Services and Compliance
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 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 Freddie L. Holloway (dob February 25, 1953) is licensed in the State of Wisconsin as a Barbering and Cosmetology Manager, having license number 28685-81, first

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

issued on May 15, 2001, and current through March 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3321 North First Street, Milwaukee, Wisconsin 53212.

2. Respondent Brew City Barbering is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, having license number 30113-80, first issued on October 31, 2001, and current through March 31, 2015. Respondent Brew City Barbering's most recent address on file with the Department is 2554 West Fond Du Lac Avenue, Milwaukee, Wisconsin 53216.

3. Respondent Holloway's barbering and cosmetology manager license was expired from April 1, 2011 to June 4, 2012.

4. During the time his license was expired, Respondent Holloway continued to provide barbering and cosmetology services.

5. Respondent Brew City Barbering's barbering and cosmetology establishment license was expired from April 1, 2009 to February 27, 2012.

6. During the time its license was expired, Respondent Brew City Barbering continued to operate as a barbering and cosmetology establishment.

7. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin 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 Holloway violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC (now Cos) 2.04(1) by engaging and participating in the unlicensed practice of barbering and cosmetology.

3. By the conduct described in the Findings of Fact, Respondent Holloway violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code § BC (now Cos) 2.045(1) by practicing barbering and cosmetology in an unlicensed establishment.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC (now Cos) 3.01(1) by operating an unlicensed barbering and cosmetology establishment.

5. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and 454.15(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondents Freddie L. Holloway and Brew City Barbering are REPRIMANDED.
3. Within 120 days from the date of this Order, Respondent Holloway shall pay a FORFEITURE in the amount of \$100.00.
4. Within 120 days from the date of this Order, Respondent Brew City Barbering shall pay a FOREITURE in the amount of \$100.00.
5. Payment of the forfeitures shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondents to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov
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 forfeitures as ordered, Respondents' licenses (nos. 28685-81 and 30113-80) 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 forfeitures.
7. This Order is effective on the date of its signing.

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

Herri Reuter
A Member of the Board

4/15/2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FREDDIE L. HOLLOWAY AND
BREW CITY BARBERING,
RESPONDENTS.

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STIPULATION

ORDER 0003140

Division of Legal Services and Compliance¹ Case No. 11 BAC 174

Respondents Freddie L. Holloway and Brew City Barbering and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondents are represented by Attorney Lynne M. Mueller.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

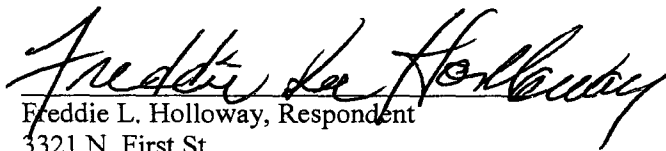
or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents or Respondents' attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

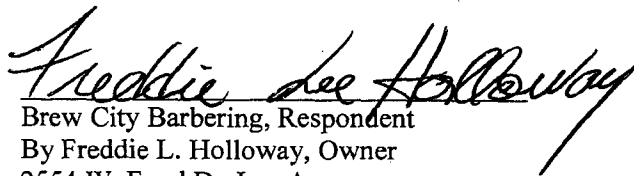
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



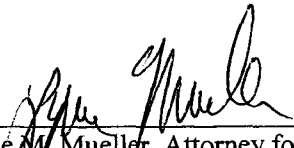
Freddie L. Holloway, Respondent
3321 N. First St.
Milwaukee, WI 53212
License no. 81-28685

8-13-2013
Date



Brew City Barbering, Respondent
By Freddie L. Holloway, Owner
2554 W. Fond Du Lac Ave.
Milwaukee, WI 53216
License no. 80-30113

8-13-2013
Date



Lynne M. Mueller, Attorney for Respondent
Litchfield Cavo, LLP
13400 Bishop's Ln., Ste. 290
Brookfield, WI 53005-6224

8/14/13
Date



Bradley S. Mavis, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

8-14-13
Date