

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

FAUSTO I. DELGADO,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003439

Division of Legal Services and Compliance Case No. 13 BAC 084

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

Faust I. Delgado
3087 South 33rd Street
Milwaukee, WI 53215

Wisconsin Cosmetology Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Fausto I. Delgado (dob May 24, 1957) is licensed in the State of Wisconsin as a barbering or cosmetology manager, having license number 27515-81, first issued on July 30, 1998 and current through March 31, 2015. Fausto I. Delgado's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3087 South 33rd Street, Milwaukee, WI 53215.

2. On or about April 23, 2013, Respondent was charged with Keeping a Drug House at his salon Faustos Image Hair Studio, located at 1509 W. Lincoln Ave., Milwaukee, WI 53215.

3. On or about January 7, 2014, Respondent pled guilty to and was convicted of misdemeanor Possession of THC in Milwaukee County Case No. 2013CF001900.

4. Respondent failed to report the conviction to the Department within 48 hours.

5. On April 15, 2014, the Department sent Respondent a letter requesting information in the investigation of this case.

6. Respondent did not respond to the Department's request for information until June 25, 2014.

7. In resolution of this matter, Respondent consents 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, Fausto I. Delgado violated Wis. Stat. § Wis. Stat. § 440.03(13)(am) by failing to notify the Department within 48 hours after the entry of a judgment of conviction.

3. By the conduct described in the Findings of Fact, Fausto I. Delgado violated Wis. Stat. § 440.20(5) by failing to respond to the Department's request for information within 30 days.

4. By the conduct described in the Findings of Fact, Fausto I. Delgado is subject to discipline pursuant to Wis. Stat. § 454.15(2)(c) for engaging in conduct in the practice of cosmetology that evidences a lack of knowledge or ability to apply professional principles or skills.

5. As a result of the above violations, Fausto I. Delgado is subject to discipline pursuant to Wis. Stat. § 454.14(2)(c) and (i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Fausto I. Delgado is REPRIMANDED.

3. Fausto I. Delgado shall pay COSTS of this matter in the amount of \$635 as follows:

a. Within 30 days of the date of this Order, Respondent shall pay \$135;

b. Within 60 days of the date of this Order, Respondent shall pay \$100;

- c. Within 90 days of the date of this Order, Respondent shall pay \$100;
- d. Within 120 days of the date of this Order, Respondent shall pay \$100;
- e. Within 160 days of the date of this Order, Respondent shall pay \$100; and
- f. Within 190 days of the date of this Order, Respondent shall pay \$100.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 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 costs as ordered, Respondent's license (no. 27515-81) 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 costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: 
A Member of the Board

9/30/2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FAUSTO I. DELGADO,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003439

Division of Legal Services and Compliance Case No. 13 BAC 084

Respondent Faust I. Delgado 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees 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 or consent of the parties. Respondent waives 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 Respondent, 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. Respondent is 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Fausto Delgado
Faust I. Delgado, Respondent
3087 South 33rd Street
Milwaukee, WI 53215
License no. 27515-81

7-23-14
Date

Andrea Brauer
Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/28/14
Date