

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

MARTHA J. CHAVEZ AND UNIQUE CUTS,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0003701

Division of Legal Services and Compliance Case No. 14 BAC 013

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

Martha J. Chavez
2839 S. 11th Street
Milwaukee, WI 53215

Unique Cuts
3178 S. 27th 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 Martha J. Chavez (dob April 14, 1986) is licensed in the State of Wisconsin as a barbering and cosmetology manager, having license number 34981-81, first issued on July 15, 2013 and current through March 31, 2015. Martha J. Chavez's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2839 S. 11th Street, Milwaukee, Wisconsin 53215.

2. Respondent Unique Cuts is licensed in the State of Wisconsin as a barbering or cosmetology establishment, having license number 40618-80, first issued on July 26, 2013 and current through March 31, 2015. Unique Cuts' most recent address on file with the Department is 3178 S. 27th Street, Milwaukee, Wisconsin 53215.

3. Respondent Chavez is the owner and manager of record of Respondent Unique Cuts.

4. On August 22, 2013, a Division of Legal Services and Compliance Consumer Protection Investigator performed an unannounced inspection of Respondent Unique Cuts.

5. During the inspection, the Investigator observed an unlicensed individual providing cosmetology services to a customer.

6. 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, Respondents Martha J. Chavez and Unique Cuts violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unlicensed practice of cosmetology.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Chavez is REPRIMANDED.

3. Respondent Unique Cuts is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Chavez shall pay a FORFEITURE in the amount of \$500 and one-half of the COSTS of this matter in the amount of \$135.

5. Within 90 days from the date of this Order, Respondent Unique Cuts shall pay a FORFEITURE in the amount of \$500 and one-half of the COSTS of this matter in the amount of \$135.

6. Payment of the forfeitures and costs 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 and costs as ordered, Respondents' licenses (nos. 34981-81 and 40618-80) 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 and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Merri Reuter
A Member of the Board

FEB 2 - 2015
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARTHA J. CHAVEZ AND UNIQUE CUTS,
RESPONDENTS.

:
:
:
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:
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STIPULATION

ORDER 0003701

Division of Legal Services and Compliance Case No. 14 BAC 013

Respondents Martha J. Chavez and Unique Cuts 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.

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

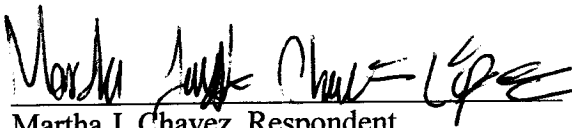
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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, 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.

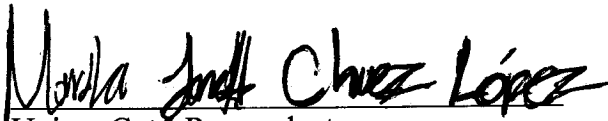
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Martha J. Chavez, Respondent
2839 S. 11th Street
Milwaukee, WI 53215
License no. 34981-81

12-29-14

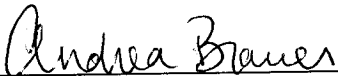
Date



Unique Cuts, Respondent
By: Martha J. Chavez
3178 S. 27th Street
~~Milwaukee, WI 53215~~
License no. 40618-80

12-29-14

Date



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

1-6-15

Date