

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	:	
	:	FINAL DECISION AND ORDER
GAULIEN L. SMITH AND GEES CLIPPERS,	:	
RESPONDENTS.	:	0005553

Division of Legal Services and Compliance Case Nos. 15 BAC 089 and 16 BAC 017

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

Gaulien L. Smith
2215 N. Martin Luther King Dr.
Milwaukee, WI 53212

Gees Clippers
2215 N. Martin Luther King Dr.
Milwaukee, WI 53212

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 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 Gaulien L. Smith (DOB 12/15/1970) is licensed by the State of Wisconsin as a cosmetology manager¹, having license number 26335-81, first issued on

¹ On November 10, 2017, SB 109 passed both houses of the Wisconsin Legislature. At the time this Final Decision and Order was drafted, the legislation was awaiting the Governor's signature. If signed into law, SB 109 would convert this license to a cosmetologist license. This Final Decision and Order is intended to apply to any individual license issued to Respondent Smith under the authority of the Cosmetology Examining Board.

January 3, 1996, and current through March 31, 2019. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 2215 North Martin Luther King Drive, Milwaukee, Wisconsin 53212.

2. Respondent Gees Clippers is licensed by the State of Wisconsin as a cosmetology establishment, having license number 34536-80, first issued on December 4, 2006, and current through March 31, 2019. Respondent's most recent address on file with the Department is 2215 North Martin Luther King Drive, Milwaukee, Wisconsin 53212.

3. Respondent Smith is identified in Department records as the owner of Respondent Gees Clippers.

4. On October 5, 1998, the Wisconsin Barbering and Cosmetology Examining Board² assessed a \$500 forfeiture against Respondent Smith for assisting in unlicensed practice in violation of Wis. Stat. § 454.15(2)(i) and Wis. Admin. Code § BC 2.04 (Order No. LS98100514BAC).

5. On February 5, 2001, the Board assessed a \$3,000 forfeiture against Respondent Smith for assisting in unlicensed practice in violation of Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) (Order No. LS0102054BAC).

6. On November 3, 2008, the Board assessed a \$1,000 forfeiture against Respondent Smith for assisting in unlicensed practice in violation of Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC 2.04(1), BC 2.045(1) and BC 3.01(1) (Order No. LS0811038BAC).

7. On November 13, 2014, the Board suspended Respondent Smith's ability to renew his cosmetology manager license for failing to pay the \$1,000 forfeiture issued on November 3, 2008 (Order No. LS0811038BAC).

8. On December 9, 2014, the Board terminated the suspension of Respondent Smith's ability to renew his cosmetology manager license (Order No. LS0811038BAC).

9. On February 10, 2016, a Department investigator conducted an inspection of Respondent Gees Clippers. The inspection revealed the following violations:

- a. clean contact equipment stored outside a covered container;
- b. no licensed manager;
- c. not all licenses were posted;
- d. Respondent Smith admitted to providing cosmetology services while his license was expired; and

² The Wisconsin Barbering and Cosmetology Examining Board is now known as the Wisconsin Cosmetology Examining Board.

e. Respondent Smith admitted to employing seven individuals with expired licenses or no license.

10. 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, Respondents violated Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § Cos 2.04(1) by assisting and participating in the unlicensed practice of cosmetology.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 4.02(4) by failing to store clean and disinfected contact equipment in a covered container.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 3.02(1) by failing to employ a licensed cosmetology manager.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 454.06(7) by failing to post all required licenses in a conspicuous place.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Gaulien L. Smith's cosmetology manager license (no. 26335-81) is **SUSPENDED** for a period of 30 calendar days beginning 14 calendar days from the date of this Order.

3. Respondent Gees Clippers is **REPRIMANDED**.

4. By the following schedule, Respondent Gaulien L. Smith shall pay a **FORFEITURE** in the amount of \$5,000 and of the **COSTS** of this matter in the amount of \$2,228.

Date	Amount
January 15, 2018	\$1,807

April 15, 2018	\$1,807
August 15, 2018	\$1,807
December 15, 2018	\$1,807

5. Payment of the 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 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

6. In the event Respondents violate any term of this Order, Respondents' credentials (nos. 26335-81 and 34536-80), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be further SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:

Vicky McNally sk
A Member of the Board

12-15-2017

Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GAULIEN L. SMITH AND GEES CLIPPERS,
RESPONDENTS.

:
:
:
:
:

STIPULATION

0005553

Division of Legal Services and Compliance Case Nos. 15 BAC 089 and 16 BAC 017

Respondents Gaulien L. Smith and Gees Clippers 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.

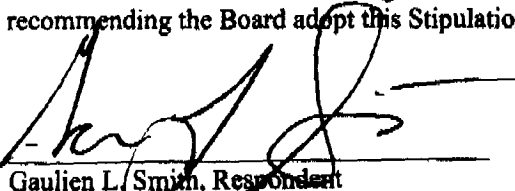
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

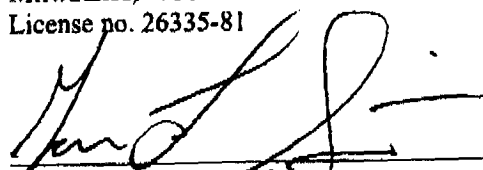
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

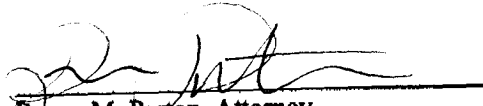
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Gaulien L. Smith, Respondent
2215 N. Martin Luther King Dr.
Milwaukee, WI 53212
License no. 26335-81

11-16-17
Date


Gees Clippers, Respondent
By: Gaulien L. Smith
2215 N. Martin Luther King Dr.
Milwaukee, WI 53212
License no. 34536-80

11-16-17
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/27/17
Date