

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR  
RENEWAL OF A COSMETOLOGY  
PRACTITIONER LICENSE

CORNELL STALLWORTH  
APPLICANT

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ORDER GRANTING  
LIMITED LICENSE

0005591

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

CORNELL STALLWORTH  
504 EAST CENTER  
MILWAUKEE WI 53216

COSMETOLOGY EXAMINING BOARD  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON WI 53708-8935

FINDINGS OF FACT

- I. Cornell Stallworth (Applicant) has filed an application to renew his Wisconsin Cosmetology Practitioner License (#78604-82).<sup>1</sup>
- II. Information received in the application process reflects that the Applicant has the following disciplinary history relating to various Wisconsin cosmetology licenses:
  - A. On or about April 7, 2003, Applicant's manager license (#28652-81) and the establishment license for "Curl Up & Dye, Inc.," an establishment Applicant owned and was responsible for, were found to have the following violations:
    - i. authorizing unlicensed employees to provide services to clients,
    - ii. failing to dispose of equipment that cannot be cleaned and disinfected or sterilized,
    - iii. failing to store clean contact equipment in a covered container,
    - iv. failing to disinfect reusable manicuring instruments, and
    - v. failing to maintain the salon/equipment in a clean, sanitary and safe condition.

As a result, Applicant was ordered to pay a forfeiture of \$2,400.00.

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<sup>1</sup> Pursuant to 2017 Wisconsin Act 82, Respondent's Cosmetology Manager License (#28652-81) will transition to a Cosmetology Practitioner License.

- B. On or about August 2, 2004, while working as the manager of "Tight Again Salon," an inspection found Applicant had engaged in the unlicensed practice of barbering and cosmetology, and that Applicant failed to maintain a current establishment license. Applicant was assessed a forfeiture of \$1,500.00, and Applicant's manager license was suspended for five (5) working days.
- C. On or about June 1, 2009, Applicant's manager license and the establishment license for "D'Zire," an establishment Applicant owned and managed, were found to have engaged in the following violations:
- i. permitting an employee to provide unlicensed barbering and cosmetology services,
  - ii. failure to post all required licenses,
  - iii. failure to place loose hair and other items in a closed container,
  - iv. failure to keep workstations clean to sight and touch,
  - v. failure to disinfect and store contact equipment properly, and
  - vi. failure to change Barbicide on a daily basis.

Based on these violations, the Cosmetology Examining Board (Board) concluded that D'Zire was not being maintained in a clean, sanitary, and safe condition. As a result, both licenses were reprimanded, Applicant was ordered (order LS0901292BAC) to pay a forfeiture of \$1,100.00, and the costs associated with the matter.

- D. On or about May 24, 2011, Applicant's manager license and Applicant's establishment license for D'Zire were suspended due to Applicant's failure to pay the costs and forfeiture of order LS0901292BAC. The suspensions were stayed on July 7, 2011, and Applicant's request for a monthly payment plan was granted. However, on May 22, 2012, the stay was removed, and the licenses were returned to suspended status for Applicant's failure to submit payments in accordance with the agreed payment plan. Approximately one month later, on June 20, 2012, Applicant paid the obligation in full, and Applicant's manager license and the establishment license for D'Zire were returned to full, unrestricted status.
- E. Subsequently, on or about August 25, 2016, as the owner and manager of "Tangled by Cornell," an inspection on September 19, 2014, found Tangled by Cornell was open for business despite not having an active credential. Then, on August 12, 2015, an inspection found that Tangled by Cornell was again open for business, despite not having an active credential. Applicant was found to have again assisted in the unlicensed practice of cosmetology, and that Applicant failed to maintain all areas of an establishment in a clean, sanitary, and safe condition. Tangled by Cornell was reprimanded, Applicant's manager license was suspended for one (1) year, and Applicant was ordered to pay the costs of the proceeding. A copy of order #4887 is attached and incorporated by reference.
- F. On November 6, 2017, Applicant requested the Board terminate the suspension from order #4887. The Board denied Applicant's request for failure to pay the costs associated with order #4887. On or about December 11, 2017, Applicant paid the costs owed in connection with order #4887, and again requested the Board terminate the suspension. On December 21, 2017, the Board issued an

order terminating the suspension, but reserving the right to impose certain conditions and limitations upon Applicant's license as necessary to ensure the protection of the public health, safety, or welfare.

### CONCLUSIONS OF LAW

- I. The Wisconsin Cosmetology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. §§ 440.08(4), 454.04, and 454.06. and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
- II. Pursuant to the terms of Final Decision and Order #4887, whether to impose any limitations or restriction on Applicant's license or right to renew the license is in the discretion of the Board.
- III. Granting renewal of an unlimited cosmetology practitioner license would pose an unreasonable risk to the public health, safety, and welfare.
- IV. Based on the above referenced facts, the Board has the right to deny Applicant's application for renewal to protect the public, health, safety, or welfare, pursuant to Wis. Stat. § 440.08.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that CORNELL STALLWORTH is GRANTED RENEWAL OF HIS COSMETOLOGY PRACTITIONER LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

#### Practice Limitations

1. Applicant shall not be the designated manager of any cosmetology establishment.
2. Applicant shall, at all times, practice as a Cosmetology Practitioner under the supervision of a Wisconsin licensed Cosmetology Practitioner (supervisor). The supervisor must have an unencumbered credential and be pre-approved by the Board. Approval shall be obtained through correspondence with the Department of Safety and Professional Services Monitor (Department Monitor).
3. Applicant shall notify his employer and supervisor of his history of disciplinary actions with the Cosmetology Examining Board. Applicant shall show a copy of this Order to his current and any future employer(s) and supervisor(s). Applicant shall provide the Department Monitor with written acknowledgement from each employer and supervisor that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
4. Applicant shall meet with his supervisor, on a monthly basis, to discuss the development and implementation of plans to ensure compliance with sanitation and safety requirements.
5. Applicant shall commit no new violations of law.

### Inspections

6. An inspector may enter and inspect any licensed establishment where Applicant is working at any time during business hours.

### Reporting Requirements

7. Applicant shall file with the Board quarterly reports to the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
  - a. The name, address, and telephone number of Applicant, and name, address, and telephone number of his employer and supervisor.
  - b. Applicant shall report to the Department Monitor any change of employment status, residence, address, or telephone number within five (5) days of the date of a change.
  - c. A discussion of the development, implementation, and continuation of plans to ensure practice in compliance with sanitation and safety requirements.
  - d. A discussion of the Applicant's plan to ensure Applicant renews any and all professional licenses in a timely manner.
8. Applicant shall arrange for written reports from his supervisor(s) to be provided to the Department Monitor on a quarterly basis commencing ninety (90) days after Applicant commences employment. These reports shall:
  - a. Assess Applicant's work performance,
  - b. describe the circumstances of his employment, including the nature and extent of the Applicant's activities and whether he has practiced in compliance with all laws governing the practice of cosmetology,
  - c. discuss the development, implementation, and continuation of plans to ensure practice in compliance with sanitation and safety requirements, and
  - d. any other information the Board requires.
9. Applicant is responsible for compliance with all the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.

### Education:

10. Within ninety (90) days from the date of this Order, Applicant shall successfully complete eight (8) hours of education on the topics of Sanitation and Safety, and Wisconsin Laws and Rules in the practice of cosmetology.
  - a. Each course attended in satisfaction of this requirement must be pre-approved by the Board or its designee. Applicant shall be responsible for locating course(s) satisfactory to the Board for obtaining the required approval of the course(s) from the Board or its designee.
  - b. Applicant must take and pass any exam offered for the courses.

- c. Applicant shall submit proof of successful completion of the ordered education in the form of an affidavit which includes:
    - i. verification from the institution providing the education (such as a certificate of completion), and
    - ii. a personal statement from the Applicant explaining what he learned from the course.
  - d. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or the Department, and may not be used in future attempts to upgrade a credential in Wisconsin.
- 11. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports, or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR  
Department of Safety and Professional Services  
Division of Legal Services & Compliance  
1400 East Washington Ave.  
P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
dpsmonitoring@wi.gov

#### Petitions for Modification

- 12. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two (2) years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) years of practice. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

#### Costs

- 13. Applicant shall be responsible for all costs and expenses associated with compliance with the terms and conditions of this Order.

Suspension

14. If the Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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.

Dated at Madison, Wisconsin this 17 day of January, 2018

By:

Vicky McNally ex.  
A Member of the Cosmetology Examining Board

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR  
RENEWAL OF A COSMETOLOGY  
PRACTITIONER LICENSE

CORNELL STALLWORTH  
APPLICANT

STIPULATION

0005591

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin  
Cosmetology Examining Board (Board) as follows:

The Applicant has filed an application for renewal of his Cosmetology Practitioner  
license. Information received by the Board reflects a basis for denial of the application  
for renewal. Based upon the information of record, the Board agrees to issue, and the  
Applicant agrees to accept an Order Granting a Limited License as a Cosmetology  
Practitioner subject to the terms and conditions set forth in the attached Order.

Dated this 4 day of January, 2018

By: Cornell Stallworth  
Cornell Stallworth, Applicant

STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD

Dated this 17 day of January, 2018

By: Vicky McNally EK  
A Member of the Cosmetology Examining Board