

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	OF DEFAULT
GIJEILA RIVERA QUILES,	:	
RESPONDENT.	:	ORDER 0008441

Division of Legal Services and Compliance Case Number 20 BAC 036

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

Gijeila Rivera Quiles
Milwaukee, WI 53206

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

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

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as a citation to which Respondent has made no timely response. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Gijeila Rivera Quiles, (Birth Year 1988) is licensed in the state of Wisconsin as a manicurist, having credential number 11381-85, first issued on February 25, 2021 and current through March 31, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53206.

2. On May 14, 2020, the Department received a complaint alleging that Respondent was performing manicuring at the Throne of Nails, an unlicensed facility. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 BAC 036 for investigation.

3. On July 23, 2020, the Department emailed Respondent at her email address of record and requested a response to the complaint by July 30, 2020. No response was received.

4. On August 12, 2020, the Department sent a letter to Respondent at her address of record requesting a response to the complaint by August 27, 2020.

5. On August 17, 2020, Respondent replied, stating that she had already submitted a response to the Department and asked the Department if they had received it. Respondent stated that the establishment was no longer located at the address of record and had not been since November 2019. Respondent also stated that the establishment is not open. Respondent sent another email to the Department on August 27, 2020, stating that she had sent numerous e-mails with the information the Department was requesting.

6. On August 31, 2020, the Department informed Respondent that they had not received any response to the complaints. The Department extended the request deadline to September 4, 2020, for Respondent to submit/resubmit her responses to the complaints. No response was received.

7. On April 4, 2022, a Department Investigator sent an email to Respondent's email address on file with the Department informing Respondent that Throne of Nails did not have a manicuring establishment license as required by state law. The Department attached a manicuring establishment license application for Respondent to complete and requested a response by April 18, 2022. No response was received.

8. On June 15, 2022, another Department Investigator sent an email to Respondent's email address on file with the Department requesting an update on the status of the manicuring establishment license application and requested a response by June 30, 2022. No response was received.

9. On June 24, 2022, a Department Investigator found a website for the Throne of Nails. The website had a price list, a link to book an appointment, and Respondent's picture posted, indicating she was practicing at the unlicensed establishment.

10. On June 30, 2022, a Department Investigator sent an email and a letter to Respondent's addresses of record that requested the same information as the June 15, 2022, email request. Respondent was informed that continuing to operate the establishment without license may result in discipline against Respondent's personal manicurist license. A response was requested by July 14, 2022. No response was received.

11. On July 19, 2022, a Department Investigator sent a third email to Respondent's email address of record and two certified letters to Respondent. One certified letter was sent to Respondent's personal address of record. This certified mail receipt returned to the Department, signed, "COVID-19" on July 27, 2022. The second certified letter was sent to the Throne of Nails address that was found on Throne of Nails' website. This certified mail receipt returned to the Department on July 26, 2022, and it appeared to be signed by Respondent. No response was received.

12. As of February 22, 2023, the website for the Throne of Nails was still active and it was still performing services.

13. The Thone of Nails has not been issued a manicuring establishment license because its application is incomplete. The application was received by the Department on August 25, 2022, but was missing a proper floor plan and no owner was listed. Respondent was notified of the missing information on September 1, 2022, but Respondent had not provided the requested information.

14. On December 8, 2022, the Department issued a citation to Respondent for violating Wis. Admin. Code § Cos 2.04(1), participating in or assisting in unlicensed cosmetology practice. Service was accomplished by mail. No response was received. A true and correct copy of this citation and payment plan is attached as Exhibit A and is incorporated herein by reference.

15. The same day, a Cease-and-Desist Order (Order) was sent via email to Respondent's email address of record and via Certified Mail to Respondent's personal and business addresses. The copy of the Order sent to Respondent's personal address was returned unopened and unsigned. The copy of the Order sent to the business' address was returned signed, but the signature was illegible. No response was received.

16. On December 29, 2022, the Department emailed the Order and citation to Respondent at the email address on file with the Department. On January 3, 2023, Respondent replied that she was trying to email information but her email (to a former investigator) would not go through. The Department investigator replied that she could provide the information using the email address she was using to communicate with him. No response was received.

17. On January 17, 2023, the Department emailed Respondent another copy of the Order. No response was received.

18. Respondent has not paid the citation, which was originally issued to Respondent on December 8, 2022.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondent violated Wis. Stat. § 454.08(1)(b) by practicing manicuring in an establishment that was not licensed to provide that practice.

3. Respondent violated Wis. Admin. Code § Cos 2.04(1) by participating in the unlicensed practice of manicuring.

4. Respondent violated Wis. Admin. Code § Cos 2.045(1) by providing personal care services outside of a licensed establishment.

5. Respondent violated Wis. Admin. Code § Cos 3.01(1) by practicing manicuring outside of a licensed establishment.

6. As a result, Respondent is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i) and (3).

7. Respondent is in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit or otherwise respond to the citation in a timely fashion.

8. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondent for the amount identified in the citation without further proceedings.

ORDER

1. Respondent is in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$500 within thirty (30) days from the date of this Order.

2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Payment may also be submitted online via DSPS' Monitoring Case Management System at:
<https://dspsmonitoring.wi.gov/>

3. 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 refusal to renew a credential or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Megan Jackson
A Member of the Board

3/27/2023
Date

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190
Madison, WI 53707-7190
FAX #: (608) 266-2264
Phone #: (608) 266-2112

4822 Madison Yards Way
Madison, WI 53705
E-Mail: dsps@wisconsin.gov
Website: <http://dsps.wi.gov>

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>20 BAC 036</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Gijeila Rivera Quiles</u>	_____
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>11381-85</u>	<input type="checkbox"/> Establishment Name License # _____

<u>1107 W Wright St.</u>	<u>Milwaukee, WI</u>	<u>53206</u>
Street	City	Zip
<u>Thursday</u>	<u>May 14, 2020</u>	_____
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Gijeila Rivera Quiles participated in unlicensed cosmetology practice by performing cosmetology services at an establishment that did not possess the proper credential.

In violation of Section Cos 2.04(1) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code
Nick Polony Investigator 12/08/2022
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 500.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on reverse side of this form.

A Member of the Board

Date

Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance

NOTICE OF RIGHT TO CONTEST

FURTHER NOTICE that within twenty (20) days of the date of service of this citation, the licensee may enter a plea contesting the violation cited and request a hearing on the alleged violation. Submission of a plea contesting violations and requesting a hearing shall be in writing and submitted to the Department of Safety and Professional Services, Division of Legal Services and Compliance, P.O. Box 7190, Madison, WI 53707-7190.

IF THE CREDENTIAL HOLDER DOES NOT MAKE A DEPOSIT OR OTHERWISE RESPOND TO THE CITATION IN A TIMELY FASHION, THE DISCIPLINARY AUTHORITY MAY WITHOUT FURTHER PROCEEDINGS ISSUE AN ORDER OF DEFAULT AGAINST THE CREDENTIAL HOLDER. A DEFAULT ORDER ISSUED UNDER THIS SECTION MAY IMPOSE A FORFEITURE, NOT TO EXCEED THE AMOUNT IDENTIFIED ON THE CITATION. VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS SECTION MAY RESULT IN A REFUSAL TO RENEW CREDENTIAL OR ADDITIONAL DISCIPLINARY ACTION.

If the credential holder requests a hearing but fails to appear at the hearing at the time fixed therefor, the credential holder is in default and the disciplinary authority may make findings and enter an order on the basis of the citation.