

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Respondent:
TRUONG ANH DUNG
7085 Southridge Dr., #84
Greendale, WI 53220

PROCEDURAL HISTORY

- A. On October 6, 1999, the complainant, the Division of Enforcement in the Department of Regulation and Licensing, filed a Petition for an administrative injunction. A hearing on the petition was scheduled for November 5, 1999. On October 6, 1999, a copy of the Petition and a Notice of Hearing were mailed to the respondent by first-class mail to 7085 Southridge Dr., #84, Greendale, WI. 53220.
- B. The notice of hearing informed the respondent that she was to file a written answer to the petition within 10 days after service. The respondent did not file an answer to the petition within the specified time limit.
- C. The hearing was held as scheduled. The respondent did not appear. The department was represented by Attorney Steven Gloe of the Department's Division of Enforcement. The hearing was recorded. The testimony and exhibits entered into evidence at the hearing form the basis for this Proposed Decision.

FINDINGS OF FACT

1. The petition in this action was served upon the respondent by mailing to her last-known address under section RL 3.07, Wis. Admin Code. The respondent failed to comply with the requirement to file an answer and failed to appear at the hearing.
2. The respondent does not hold a license to practice as a manicurist in the State of Wisconsin.
3. On exact dates unknown, but at least on July 28, 1999, Truong Anh Dung was engaged in the practice of manicuring at Queen Nails, an establishment located at 5300 S. 76th St., Greendale, Wisconsin.

CONCLUSIONS OF LAW

1. Under section 440.21, Stats., and chapter RL 3, Wis. Admin. Code, the Department of Regulation and Licensing is the legal authority responsible for enforcing laws requiring credentials issued under chapters 440 to 459, Stats. The department has jurisdiction over the subject-matter of a petition alleging that a person engaged in a practice without a credential required under chapters 440 through 459.
2. The respondent, was served by mail at her last-known address in Wisconsin under section RL 3.07, Wis. Admin Code. The Department of Regulation and Licensing has personal jurisdiction over the respondent under section 801.04(2), Stats., and section RL 3.07, Wis. Admin. Code.
3. The respondent, is in default under section RL 3.13, Wis. Admin. Code. The department may make findings of fact and enter an order on the basis of the petition and the evidence presented at the hearing.
4. The respondent, has engaged in the practice of manicuring without a license in violation of section 454.04(1)(d), Stats. A special order enjoining respondent from continuing in the unlicensed practice of manicuring is therefore appropriate under section 440.21(2), Stats.

OPINION

This case is an action for an administrative injunction against the respondent Truong Anh Dung, under the authority of sec. 440.21, Stats., and ch. RL 3, Wis. Admin. Code. The petition in this matter alleged that the respondent engaged in activities which are reserved by statute to those holding a valid manicuring license, under section 454.04(1)(d), Stats.

The respondent is in default, not having answered the petition as required by administrative rule, and not having appeared at the scheduled hearing. By her default, the respondent has effectively admitted all the allegations of the petition. There is no need in this opinion to weigh or discuss evidence, and no issues of fact remain.

The undisputed allegations in the complaint establish that the respondent engaged in the practice of manicuring without the professional credential required by statute. An administrative injunction is authorized by section 440.21(2), Stats., and chapter RL 3, Wis. Admin. Code, and it is clearly appropriate here.

Any person who violates a special order issued under section 440.21(2), Stats., may be required to forfeit up to \$10,000 for each offense, under section 440.21(4), Stats., and each day of continued violation constitutes a separate offense. It should be noted that the issuance of a special order in an administrative injunction does not preclude other remedies for the respondent's violations of statutes, such as a misdemeanor prosecution by the district attorney under section 457.17, Stats.

ORDER

Based on the authority in section 440.21(2) of the Wisconsin Statutes and chapter RL 3 of the Wisconsin Administrative Code, and the Findings of Fact and Conclusions of Law below,

**THE DEPARTMENT OF REGULATION AND LICENSING HEREBY
ISSUES THE FOLLOWING SPECIAL ORDER:**

Effective on the date on which this order is signed by the departmental secretary or her designee,

- the respondent, Truong Anh Dung, is **enjoined and prohibited** from continuing to engage, directly or indirectly, in manicuring, which is conduct which requires a credential under chapter 454, Stats., unless and until she obtains the appropriate credential under chapter 454, Stats.; and

**ANY VIOLATION OF THIS SPECIAL ORDER MAY RESULT IN A
FORFEITURE OF UP TO \$10,000 FOR EACH OFFENSE, WITH EACH
DAY OF CONTINUED VIOLATION CONSTITUTING A SEPARATE
OFFENSE.**

Dated and signed: January 3, 2000

William A. Black

Administrative Law Judge

Department of Regulation and Licensing