

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- 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 Regulation and Licensing 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/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

TOM DAHN LY,  
RESPONDENT

FINAL DECISION AND ORDER  
96 BAC 069

LS 9710066 BAC

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Tom Dahn Ly  
3367 S. 113th St.  
Milwaukee, WI 53227

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Tom Dahn Ly (D.O.B. 01-01-67), 2619 W. National Ave., Milwaukee, WI 53204, is duly licensed as a manicurist in the state of Wisconsin (license #2667). This license was first granted on November 6, 1996.
2. At all times relevant to this action, Mr. Ly was employed as a manicurist at the Pretty Nails manicuring establishment located at 2100 W. North Avenue, Suite 14-15, Milwaukee, WI 53205.
3. On exact dates unknown, but at least on March 28, 1996, Mr. Ly was providing manicuring services at the Pretty Nails establishment referred to in ¶ 2, above. At no time relevant to this action did Mr. Ly hold a valid Wisconsin manicurist license to provide manicuring services to the public.

CONCLUSIONS OF LAW

By the conduct referred to in ¶ 3, above, Tom Dahn Ly has violated secs. 454.04(1)(d) and 454.15(2)(i), Stats. and Wis. Admin. Code § BC 2.04(1).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Tom Dahn Ly shall pay to the Department of Regulation and Licensing a forfeiture of ONE HUNDRED dollars (\$100.00). Payment shall be submitted within thirty (30) days from the date of this order.

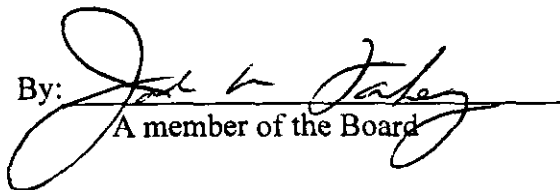
Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708.

**IT IS FURTHER ORDERED** that in the event Tom Dahn Ly fails to timely submit payment of the forfeiture as set forth above, the manicurist license of Mr. Ly (license #2667) **SHALL BE SUSPENDED**, without further notice or hearing, until Mr. Ly has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By:   
A member of the Board

10/6/97  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND  
COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
:   
TOM DAHN LY : STIPULATION  
RESPONDENT : 96 BAC 069

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It is hereby stipulated between Tom Dahn Ly, on his own behalf, and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (96 BAC 069). Mr. Ly consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Ly understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Mr. Ly is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Mr. Ly agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining 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 attached 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Ly in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Tom Dahn Ly *Tom Dahn Ly*

8/27/97  
Date

Steven M. Gloe *Steven M. Gloe*  
Steven M. Gloe, Attorney  
Division of Enforcement

9-10-97  
Date

# Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On October 6, 1997, the Barbering and Cosmetology Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture..

The amount of the costs assessed is: \_\_\_\_\_ Case #: \_\_\_\_\_

The amount of the forfeiture is: \$100.00 Case # LS9710066BAC

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: November 5, 1997

NAME: Tom Dahn Ly LICENSE NUMBER: 2667

STREET ADDRESS: 3367 South 113th Street

CITY: Milwaukee STATE: WI ZIP CODE: 53227

Check whether the payment is for costs or for a forfeiture or both:

       COSTS       X       FORFEITURE

Check whether the payment is for an individual license or an establishment license:

      X       INDIVIDUAL        ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

**For Receipting Use Only**

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING  
1400 E. WASHINGTON AVE., ROOM 141  
P.O. BOX 8935  
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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In the Matter of the Disciplinary Proceedings Against

Tom Dahn Ly,

AFFIDAVIT OF MAILING

Respondent.

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STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )


I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

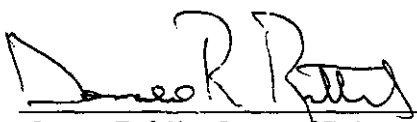
2. On October 9, 1997, I served the Final Decision and Order dated October 6, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9710066BAC, upon the Respondent Tom Dahn Ly by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 226.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Tom Dahn Ly  
3367 S. 113th Street  
Milwaukee WI 53227

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me  
this 9<sup>th</sup> day of October, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

October 9, 1997

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)