# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF AN:

ADMINISTRATIVE INJUNCTION INVOLVING

DO SY HO, FINAL DECISION AND ORDER

D/B/A MAGIC NAILS, LS 9905181RAL

RESPONDENTS

#### Division of Enforcement Case No. 99 BAC 025

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

Do Sy Ho d/b/a Magic Nails 3415 S. 113th St., #8 Milwaukee, WI 53222

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 Department Secretary. The Department Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department Secretary adopts the attached Stipulation and makes the following:

#### **FINDINGS OF FACT**

- 1. Do Sy Ho (D.O.B. 7-27-71) is duly licensed as manicurist in the state of Wisconsin, license #2727. This license was first granted on January 7, 1997.
- 2. Mr. Ho's latest address on file with the Department is 2745 S. 108<sup>th</sup> St., West Allis, WI 53227. Mr. Ho's latest address known to the Division of Enforcement is 3415 S. 113<sup>th</sup> St., #8, West Allis, WI 53227.
- 3. On exact dates unknown, but beginning at least in March 1999 and continuing on through at least April 2, 1999, Do Sy Ho has operated Magic Nails, an unlicensed manicuring establishment located at 5500 W. Capitol Dr., Milwaukee, WI 53216.
- 4. A completed application for an establishment license for Magic Nails is on file with the Department. The Department of Revenue however has certified that Do Sy Ho is liable for delinquent taxes. Therefore, a manicuring establishment license cannot be issued to respondent until such time as the Department of Revenue removes its finding of delinquency [ref. sec. 440.12, Stats.]. In order to remove the delinquency, Mr. Ho must either pay the taxes due in full or enter into a repayment plan approved by the Department of Revenue.

# **CONCLUSIONS OF LAW**

- 1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to sec. 440.21, Stats.
- 2. By the conduct referred to in  $\P$  3, above, respondent has violated sec. 454.08(1)(b) and (2)(d), Stats.

# ORDER

### NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 1. Until such time as he obtains an establishment license pursuant to ch. 454, Stats., the respondent, Do Sy Ho, is ENJOINED and PRO HIBITED from the operation of any unlicensed manicuring establishment in the state of Wisconsin.
- 2. Violation of the above-order may result in a forfeiture of up to \$10,000.00 for each offense, and each day of a continued violation constitutes a separate offense.
- 3. The respondent is further notified that pursuant to sec. 454.15(3), Stats., the Barbering and Cosmetology Examining Board may impose a forfeiture against Mr. Ho for the operation of an unlicensed manicuring establishment.
- 4. This Order shall become effective upon the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By:

Marlene A. Cummings May 18, 1999

Secretary of the Department Date

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