

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST

DO SY HO,	FINAL DECISION AND ORDER
d/b/a TOP NAIL SALON,	LS9906086BAC
RESPONDENT	

Division of Enforcement Case No. 97 BAC 011

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

*Do Sy Ho
d/b/a Top Nail Salon
2745 S. 108th St.
West Allis, WI 53227*

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

*Department of Regulation and Licensing
Division of Enforcement
P.O. 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. Do Sy Ho (DOB 7-27-71), 3415 S. 113th St., Apt. #8, West Allis, WI 53227, is duly licensed as a manicurist in the state of Wisconsin (license #2727). This license was first granted on January 7, 1997 and expired on July 1, 1997. Mr. Ho did not renew this license until December 15, 1997.
2. Top Nail Salon, 2745 S. 108th St., West Allis, WI 53227, is duly licensed as a manicuring establishment in the state of Wisconsin (license #789). This license was first granted on October 4, 1996 and expired on July 1, 1997. Mr. Ho did not renew this establishment license until December 15, 1997.
3. Do Sy Ho is listed with the Department of Regulation and Licensing as the owner of Top Nail Salon. As owner, Mr. Ho was and is responsible for compliance with ch. 454, Stats. and chapters BC 2, 3 and 4 of the Wisconsin Administrative Code.
4. On exact dates unknown, but at least on December 6, 1997, Do Sy Ho was providing manicuring services to the public without a current manicurist license.

5. On exact dates unknown, but at least on December 6, 1997, Top Nail Salon was open and operating without a current establishment license.
6. From July 1, 1997 until December 15, 1997, Do Sy Ho employed Phuong Thi Ngoc Hoang to provide manicuring services to the public at Top Nail Salon. At no time relevant to this action did Ms. Hoang hold a valid Wisconsin manicurist license.
7. On exact dates unknown, but at least on December 6, 1997, Top Nail Salon did not have a tuberculocidal agent for disinfecting reusable manicuring instruments.
8. On exact dates unknown, but at least on December 6, 1997, Do Sy Ho did not wash his hands prior to serving each patron.
9. On exact dates unknown, but at least on December 4, 1996 and continuing through at least December 6, 1997, Top Nail Salon did not have a sink separate from the public toilet facilities available to clean equipment.
10. In resolution of this matter, Mr. Ho consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 4-9, above, Do Sy Ho, d/b/a Top Nail Salon, has violated secs. 454.04(1)(d) and 454.15(2)(a), Stats. and Wis. Admin. Code §§ BC 2.01(1), 2.04, 3.04(4), and 4.10.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Do Sy Ho, shall pay to the Department of Regulation and Licensing a forfeiture of SIX HUNDRED dollars (\$600.00). Payments shall be submitted as follows:

\$200.00 due May 15, 1999;

\$200.00 due August 15, 1999; and

\$200.00 due November 15, 1999.

All payments 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

P.O. Box 8935

Madison, WI 53708.

IT IS FURTHER ORDERED that in the event Do Sy Ho fails to timely submit payment of the forfeiture as set forth above, the establishment license of Top Nail Salon (#789), **SHALL BE SUSPENDED**, without further notice or hearing, until Mr. Ho 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:

Barbara Flaherty

A member of the Board

June 8, 1999

Date