

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR
AN ADMINISTRATIVE INJUNCTION:
INVOLVING:

CHISTINE LE,
RESPONDENT

FINAL DECISION AND ORDER
LS0105162RAL

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 13th day of July, 2001.

Oscar Herrera

Department of Regulation and Licensing

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION INVOLVING**

**CHRISTINE A. LE,
RESPONDENT**

**PROPOSED DECISION
LS0105162RAL**

The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

Christine A. Le
c/o Nail Expo
2239 West Capitol Drive
Milwaukee, WI 53206

Christine A. Le
1546 South 15th Street
Milwaukee, WI 53204

Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

This proceeding was commenced by the filing of a Notice of Hearing and Petition for Injunction on May 16, 2001. Respondent filed an Answer to the Petition for Injunction on May 30, 2001. A hearing was held in the above-captioned matter on June 12, 2001. Attorney Colleen M. Baird appeared on behalf of the Division of Enforcement, Department of Regulation and Licensing. The respondent, Christine A. Le, appeared in person without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. At least on February 16, 2001, the respondent, Christine A. Le, engaged in the practice of manicuring at Nail Expo, a licensed manicuring establishment (license #71-1548). Nail Expo is located at 2239 West Capitol Drive, Milwaukee, Wisconsin.
2. Respondent has not been granted a credential to engage in the practice of manicuring, as required under s. 454.04 (1)(d), Stats.
3. A Temporary Manicurist Permit (#8628), which the Barbering and Cosmetology Examining Board granted to Ms. Le, expired on May 12, 2000.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to s. 440.21, Wis. Stats.
2. By engaging in the practice of manicuring without the appropriate credential, as required under ch. 454, Stats., respondent violated s. 454.04 (1)(d), Stats.

ORDER

NOW THEREFORE, IT IS ORDERED that Christine A. Le be, and hereby is, enjoined from engaging in the practice of manicuring unless and until she has been granted an appropriate credential, as required under s. 454.04 (1) (d), Stats.

This order is effective as of the date it is signed by the Department's designee.

OPINION

The evidence presented establishes that, at least on February 16, 2001, Ms. Le practiced as a manicurist at Nail Expo, an establishment located at 2239 West Capitol Drive, Milwaukee, Wisconsin. Ms. Le has not been granted a credential to practice as a manicurist, as required under ch. 454, Stats. She admitted in her Answer and while testifying at the hearing that she engaged in the practice of manicuring on February 16, 2001 without a

manicurist license. A Temporary Manicurist Permit (#8628), which the Barbering and Cosmetology Examining Board granted to Ms. Le, expired on May 12, 2000.

The Department of Regulation and Licensing is authorized under sec. 440.21 (2), Stats., to issue administrative injunctions. That provision states that if, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480, the department may issue a special order enjoining the person from the continuation of the practice or use of the title. The issuance of an administrative injunction is clearly appropriate in this case.

The purpose of licensing statutes is not to benefit those persons licensed to practice under the statute, but rather to protect the public by the requirement of a license as a condition precedent to practicing in a given profession. Such statutes are grounded in the state's police power to protect the public welfare through safeguarding the life, health, and property of its citizens. Gilbert v. Medical Examining Board, 119 Wis. 2d 168, 188, 349 N.W. 2d 68 (1984).

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 19th day of June 2001.

Respectfully submitted,

Ruby Jefferson-Moore

Administrative Law Judge