

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 PROCEEDING**

AGAINST:

LONG B. DAM

d/b/a NAIL EXPO,

Respondent

FINAL DECISION AND ORDER

LS0106131BAC

Division of Enforcement Case No. 00 BAC 95

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

LONG B. DAM

d/b/a/ Nail Expo

2239 W. Capitol Drive

Milwaukee, WI 53206

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. Long B. Dam is a duly licensed manicurist in the state of Wisconsin, having first been granted a license(#85-3364) on March 18, 1998. Mr. Dam's license is current through June 30, 2001.
2. Mr. Dam is listed with the Department of Regulation and Licensing as the owner of Nail Expo. The last known address for Mr. Dam in the Department of Regulation records is 2239 W. Capitol Drive, Milwaukee, WI 53206
3. Nail Expo is a duly licensed as a Manicuring Establishment in the state of Wisconsin, having first been granted a license (#71-1548). This license was first granted on December 6, 1999.
4. As the owner of a licensed manicuring establishment, Mr. Dam was and is at all times relevant to this action

responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

5. On exact dates unknown, but beginning at least on February 7, 2001, the Department of Regulation conducted an unannounced inspection of the establishment in response to a complaint filed by a customer alleging unlicensed manicurists.

6. During the inspection by the Department, the Department Investigator, Michelle Krisher, found that an unlicensed individual, identified as Charley Tran was providing manicuring services at the establishment.

7. During a follow-up inspection on February 16, 2001, the Investigator found that a woman, who identified herself as Christine Le, was working at the establishment.

8. At no time relevant to this action, did Charley Tran or Christine Le have valid and current Wisconsin licenses to practice manicuring.

9. Le had a temporary manicurist permit which expired on May 12, 2000.

10. Charley Tran has never held any credential in Wisconsin.

11. During the inspection by the Department, the Department Investigator, Michelle Krisher, also found a number of sanitary violations;

- a) the licensed manicurist, Susie Tran, did not wash her hands in between servicing customers,
- b) the salon floor was filthy with multiple nail clippings and nail residue on the workstation tables,
- c) used nail files and buffers were located at all workstations,
- d) poisonous substances were being stored in an open area underneath the sink used by customers,
- e) nailbrushes were stored in an open bowl and were not sterilized,
- f) the pedicure tub was dirty and contained nail residue,
- g) manicuring implements and used disposable nail files were stored uncovered in drinking glasses.

12. In resolution of this matter, LONG B. DAM, consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in the paragraphs above, LONG B. DAM, d/b/a NAIL EXPO, violated the Wis. Stat. 454.04(1)(d); and Wis. Admin. Code §§ BC 2.04(1), BC 2.07(2) BC 2.08(a), BC 3.01(1); 3.01(4); 3.01(6); 4.01(1), 4.01(2); 4.02(3a), 4.10(1)(a) and 4.10(2).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that LONG B. DAM, d/b/a NAIL EXPO shall pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND FOUR HUNDRED** dollars (**\$2,400.00**). Payment shall be submitted within six (6) months 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 53708-8935

IT IS FURTHER ORDERED that in the event LONG B. DAM fails to timely submit payment of the forfeiture as set forth above, the establishment license of NAIL EXPO (71-1548) and the manicurist license of LONG B. DAM (#85-3364) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

By: Barbara Flaherty

6-13-01

A member of the Board

Date