

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
PRO NAILS AND	:	
KATHY LU LIM, RESPONDENTS	:	LS07091013BAC
	:	

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Division of Enforcement Case No. 06 BAC 072

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Pro Nails  
7416 Mineral Point Road  
Madison, WI 53717

Kathy Lu Lim  
6925 Lark Edge Drive  
Madison, WI 53719

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53707-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition 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. Respondent **Pro Nails** is licensed in the State of Wisconsin as a Manicuring Establishment, license # 71-2634. This license was first granted to it on 02/04/05. The most recent address on file with the Department of Regulation and Licensing for this establishment is 7416 Mineral Point Road, Madison, WI 53717.
2. Respondent **Kathy Lu Lim** is licensed in the State of Wisconsin as a manicurist, having license # 85-2636. This license was first granted to her on 09/27/96. The most recent address on file with the Department of Regulation and Licensing for Kathy Lu Lim is 6925 Lark Edge Drive, Madison, WI 53719.
3. Kathy Lu Lim is listed with the Department of Regulation and Licensing as the owner of Pro Nails. As owner, Kathy Lu Lim was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

4. On May 11, 2007, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Pro Nails. During the inspection, the investigator observed Huong T. Tran and Jimmy Do providing manicuring services to clients. At that time, neither Huong T. Tran nor Jimmy Do was licensed as a manicurist in the State of Wisconsin.

5. The investigator issued a Notice of Compliance to Kathy Lu Lim stating that Pro Nails and Kathy Lu Lim needed to comply with Wis. Admin. Code § BC 2.04(1) and not allow unlicensed persons to work in the establishment.

6. In a written response received on May 16, 2007, Ms. Lim explained that Huong T. Tran and Jimmy Do were licensed manicurists from another state who had just moved to Wisconsin. Ms. Lim explained that she agreed to hire them part-time despite their not having Wisconsin licenses because they were unemployed, needed money to support their families, and told Ms. Lim that they had submitted their paperwork to get their Wisconsin manicuring licenses and would have their licenses in just a few weeks. Ms. Lim admitted that she made a mistake by hiring Huong T. Tran and Jimmy Do before they received their Wisconsin licenses.

7. Department records reflect that Huong T. Tran and Jimmy Do were granted Wisconsin manicurist licenses on May 17, 2007.

### CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents **Pro Nails** and **Kathy Lu Lim** have violated Wis. Admin. Code §§ BC 2.04(1) and BC 2.06(1) by authorizing two unlicensed employees, Huong T. Tran and Jimmy Do, to provide services to clients.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Pro Nails** (license # 71-2634) and **Kathy Lu Lim** (license # 85-2636) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall jointly and severally pay **COSTS** in the amount of **THREE HUNDRED TWENTY DOLLARS (\$320.00)**.

3. Respondents shall jointly and severally pay a **FORFEITURE** in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**.

4. Payment of the costs and forfeitures, which total TWO THOUSAND THREE HUNDRED TWENTY DOLLARS (\$2320.00), shall be made according to the following schedule:

PAYMENT DUE DATE	PAYMENT AMOUNT
October 20, 2007	\$464.00
January 21, 2008	\$464.00
April 21, 2008	\$464.00
July 20, 2008	\$464.00
October 20, 2008	\$464.00

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  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondents' licenses (#71-2634 and #85-2636) SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Dated this 10<sup>th</sup> day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush