

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DIEM T. LE AND 07 NAILS,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002175
:

Division of Legal Services and Compliance¹ Case No. 12 BAC 005

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

Diem T. Le
639 S. Main St., Ste. 100
DeForest, WI 53532

07 Nails
639 S. Main St., Ste. 100
DeForest, WI 53532

Wisconsin Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Cosmetology Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Diem T. Le (dob 06/11/1973) is licensed in the State of Wisconsin as a Barbering or Cosmetology Practitioner, having license number 82-92620, first issued on May 18, 2011, and current through March 31, 2013. Respondent Le's most recent address on file with

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

the Wisconsin Department of Safety and Professional Services (Department) is 639 S. Main St., Ste. 100, DeForest, WI 53532.

2. Respondent 07 Nails is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 71-3368, first issued on August 11, 2008 and current through March 31, 2013. Respondent 07 Nails' most recent address on file with the Wisconsin Department is 639 S. Main St., Ste. 100, DeForest, WI 53532.

3. Respondent Diem T. Le was at all times relevant to this matter the owner and responsible licensee of Respondent 07 Nails.

4. On or about January 11, 2012, the Department received a complaint alleging unlicensed practice and sanitation violations at Respondent 07 Nails. Division of Legal Services and Compliance case number 12 BAC 005 was subsequently opened for investigation.

5. On May 18, 2012, a Department investigator made an unannounced visit to Respondent 07 Nails and performed an inspection.

6. The May 18, 2012, inspection and follow-up investigation revealed that one unlicensed individual had performed manicuring services at Respondent 07 Nails.

7. The May 18, 2012, inspection did not reveal sanitation violations.

8. In resolution of this matter, Respondents Diem T. Le and 07 Nails consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin 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. By the conduct described in the Findings of Fact, Respondents Diem T. Le and 07 Nails violated Wis. Admin. Code § BC 2.04(1) by assisting in the unlicensed practice of manicuring.

3. As a result of the above violation, Respondents Diem T. Le and 07 Nails are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondents Diem T. Le and 07 Nails are REPRIMANDED.

3. Within 6 months from the date of this Order, Respondent Diem T. Le shall pay a FORFEITURE in the amount of \$500.00. Respondent Le shall submit a down payment of

\$250.00 within 90 days of the date of this Order. An additional payment of \$250.00 will be due 90 days from the date of the previous payment to achieve full payment of the forfeiture.

4. Within 1 year from the date of this Order, Respondent 07 Nails shall pay a FORFEITURE in the amount of \$500.00. Respondent 07 Nails shall submit a down payment of \$250.00 within 9 months of the date of this Order. An additional payment of \$250.00 will be due 1 year from the date of this Order.

5. Payment of forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 payment of the forfeiture as ordered, Respondents' licenses (nos. 82-92620 and 71-3368) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the forfeiture.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

12-3-12
Date