

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

KHAM PHOMMATHEP,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002370

Division of Legal Services and Compliance¹ Case No. 12 BAC 091

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

Kham Phommathep
4414 N. 63rd St.
Milwaukee, WI 53218

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 Wisconsin 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 Kham Phommathep (dob March 16, 1970) is licensed in the State of Wisconsin as a Manicurist, having license number 85-6679, first issued on February 27, 2007 and current through March 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4414 North 63rd Street, Milwaukee, Wisconsin 53218.

2. Respondent's manicurist license expired on April 1, 2011.

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

3. On November 14, 2012, a Department investigator performed an unannounced inspection at Queen Nails in Milwaukee, Wisconsin and observed Respondent performing a manicure on a client.

4. Respondent renewed her manicurist license on November 30, 2012.

5. In resolution of this matter, Respondent consents 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, Respondent violated Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by practicing manicuring without a current manicurist license.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kham Phommathep is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$156.00.

4. Payment of forfeiture and costs 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

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 Respondent's license. 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 Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 85-6679) may, in the discretion of the Board or its designee,

be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: 
A Member of the Board

4-1-13
Date