

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of the Complaint of

**DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,**

Complainant,

DECISION

-against-

HUR OK KYUNG

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on September 8, 1998 at the office of the Department of State located at 270 Broadway, New York, New York.

The respondent did not appear.

The complainant was represented by Legal Assistant Thomas Napierski.

COMPLAINT

The complaint alleges that the respondent failed to have a bond or liability insurance on the premises of her appearance enhancement business in violation of 19 NYCRR 160.09, and failed to clean, disinfect or sterilize implements in violation of 19 NYCRR 160.17.

FINDINGS OF FACT

1) Notices of hearing together with copies of the complaint were sent to the respondent on June 15, 1998 by certified and regular first class mail addressed to her at Sarah's Nail Salon, Inc., 419 Lake Avenue South, Nesconset, New York 11767, and were returned by the Postal Service stamped "attempted, not known" (State's Ex. 1, 2, and 3).

2) From April 16, 1996 through April 16, 1998 the respondent was licensed to operate an appearance enhancement business d/b/a Sarah's Nail Salon at 419 Lake Avenue South, Nesconset, New York 11767 (State's Ex. 5). That license has not been renewed. I take official notice of the records of the Department of State that on May 13, 1997 the complainant received an application from the respondent for an area

renter's license at Judy's Nail Salon, 29-15 Francis Lewis Blvd., Queens, New York 11358, and that such a license, expiring on May 14, 1999, was issued to her on May 14, 1997.

OPINION AND CONCLUSIONS OF LAW

Pursuant to General Business Law (GBL) §411[2], where the complainant seeks to impose disciplinary sanctions against a person licensed under GBL Article 27 after service of the notice of hearing by mail, such mail must be sent to the respondent's last known business address. Inasmuch as that was not done in this case the complaint must be dismissed for failure to obtain personal jurisdiction.

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT the charges herein are dismissed without prejudice.

Roger Schneier
Administrative Law Judge

Dated: September 15, 1998