

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

PROCEEDINGS AGAINST

SAU VAN DANG,

FINAL DECISION AND ORDER

dba LA NAIL

LS 9912066BAC

RESPONDENT

Division of Enforcement Case No. 96 BAC 139

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

*Sau Van Dang
LA Nail
811 Green Bay Plaza
Green Bay, WI 54313*

*Barbering and Cosmetology Examining Board
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO 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. Sau Van Dang (DOB 09-05-60) 1600 Dancing Dunes Dr., Green Bay, WI 54313, is duly licensed a manicurist in the state of Wisconsin (license #1992). This license was first granted on July 10, 1995.
2. Mr. Dang, as owner of LA Nail, Green Bay Plaza, Green Bay, WI 54313, 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.
3. On some time prior to September 30, 1999, LA Nail, (manicuring establishment license # 537) moved from 816 Green Bay Plaza to 811 Green Bay Plaza, Green Bay, WI 54313. After its move, LA operated as a manicuring establishment at 811 Green Bay Plaza without obtaining a new manicuring establishment license.
4. On exact dates unknown, but at least on September 30, 1999, Respondents employed Hugn Hing Duong at LA Nail to provide manicuring services to the public. At no time relevant to this action did Mr. Duong hold a valid and current Wisconsin manicurist license.
5. On May 19, 1996, the Barbering and Cosmetology Examining Board disciplined Respondent Dang for the operation of an unlicensed establishment and imposed a \$200 forfeiture. On October 6, 1997, the Barbering and Cosmetology Examining Board disciplined Respondent Dang for sanitation violations and imposed a \$500 forfeiture.

6. In resolution of this matter, Mr. Dang consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 3-4, above, Sau Van Dang, d/b/a LA Nail, violated sec. 454.15(2)(i), Stats. and Wis. Admin. Code §§ BC 2.04 and 3.01.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that

1. Sau Van Dang, d/b/a LA Nail shall pay a forfeiture of TWO THOUSAND FIVE HUNDRED DOLLARS [\$2,500.00] as follows:

a. January 2, 2000	\$500.00
b March 3, 2000	\$500.00
c. June 2, 2000	\$500.00
d. September 1, 2000	\$500.00
e. December 1, 2000	\$500.00

2. Payment shall initially be deposited with Recka & Joannes, SC 211 South Monroe, Green Bay, WI 54301-4011 (hereinafter *escrow agent*), to be deposited in its trust account and held in escrow under the terms and conditions set forth below.

3. The money deposited may be utilized by Respondents for the payment of manicuring school tuition and other legitimate educational expenses for employees or potential employees of Respondents.

4. The escrow agent shall submit reports on a quarterly basis to the Department of Regulation and Licensing outlining any and all activity of the escrow account. The escrow agent shall *immediately* report any violation of the terms of this Order to the Department of Regulation and Licensing.

5. In the event that Respondents fail to timely submit payment of the forfeiture as set forth above; or in the event that the Department determines that Respondents have subsequent to the effective date of this Order engaged the services of unlicensed personnel in violation of ch. 454, Stats., the full forfeiture of \$2,500 shall be due and payable, without further notice or hearing. Upon notification by the Department, the escrow agent shall remit the balance of the escrow account to the Department to be applied against the forfeiture, and Respondents licenses shall be **SUSPENDED** pending payment in full of the balance of the forfeiture due.

6. All payments to the Department shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.

7. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving petitions, receiving payment of costs and forfeitures, and coordinating all requests for approval of education. The Department Monitor may be reached as follows:

Department Monitor

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 261-7938

8. On a date five [5] years from the effective date of this Order the terms of this Order shall expire. The escrow agent shall then forward any remaining balance in the escrow account to the Department. The Department shall accept the payment of any remaining balance as payment in full of any forfeiture due and payable by the Respondents under the terms of this Order.

9. Respondents shall be responsible for all costs incurred in conjunction with their compliance with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:

Barbara Flaherty

December 6, 1999

A member of the Board

Date