

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:

PHUONG HOANG NGO, D/B/A TOP NAILS,
RESPONDENT

FINAL DECISION AND ORDER
LS00120413BAC

Division of Enforcement Case No. 00BAC016

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

Phuong Hoang Ngo

Top Nails

2100 West North Avenue

Milwaukee, WI 53205

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. Top Nails, 2100 West North Avenue, Milwaukee, WI 53129, is duly licensed as a manicuring establishment in the state of Wisconsin (license #1532). This license was first granted on November 8, 1999.
2. Phuong Hoang Ngo, 2468 South Burrell, Milwaukee, WI 53207, is listed with the Department of Regulation and Licensing as the owner of Top Nails. As owner, Ms. Ngo 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 exact dates unknown, but at least on May 16, 2000, Ba Thi Tran was employed at Top Nails to provide manicuring services to the public. At no time relevant to this action did Ms. Tran hold a valid and current Wisconsin manicurist license.
4. On May 16, 2000, inspection of Top Nails revealed sanitation violations, including but not limited to: dirty and clean equipment stored together, and no topical antiseptic at workstations.
5. In resolution of this matter, Phuong Hoang Ngo consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 3 and 4, above, Phuong Hoang Ngo, d/b/a Top Nails, violated sec. 454.15(2)(i), Stats. and Wis. Admin. Code §§ BC 2.04(1), BC 2.06, BC 4.01 and BC 4.04(1).

ORDER

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

1. Phuong Hoang Ngo, d/b/a Top Nails shall immediately provide the Department Monitor with the name(s) of any and all duly licensed manicurists providing manicuring services at her salon. Respondent shall CEASE operation of her business unless and until she has licensed personnel employed to provide manicuring services.
2. Phuong Hoang Ngo, d/b/a Top Nails, shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND TWO HUNDRED dollars (\$1, 200.00).
3. *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

P.O. Box 8935

Madison, WI 53708-8935.

4. Payment shall be submitted on the following schedule:

- a. Payment #1 of \$100: Shall be made on or before the 15th day of the first month following the effective date of this order.
- b. Payment #2 of \$100: Shall be made on or before the 15th day of the second month following the effective date of this order.
- c. Payment #3 of \$100: Shall be made on or before the 15th day of the third month following the effective date of this order.
- d. Payment #4 of \$100: Shall be made on or before the 15th day of the fourth month following the effective date of this order.
- e. Payment #5 of \$100: Shall be made on or before the 15th day of the fifth month following the effective date of this order.
- f. Payment #6 of \$100: Shall be made on or before the 15th day of the sixth month following the effective date of this order.
- g. Payment #7 of \$100: Shall be made on or before the 15th day of the seventh month following the effective date of this order.
- h. Payment #8 of \$100: Shall be made on or before the 15th day of the eighth month following the effective date of this order.
- i. Payment #9 of \$100: Shall be made on or before the 15th day of the ninth month following the effective date of this order.
- j. Payment #10 of \$100: Shall be made on or before the 15th day of the tenth month following the effective date of this order.
- k. Payment #11 of \$100: Shall be made on or before the 15th day of the ninth month following the effective date of this order.
- l. Payment #12 of \$100: Shall be made on or before the 15th day of the tenth month following the effective date of this order.

5. In the event Phuong Hoang Ngo fails to comply with the conditions set forth in ¶¶ 1, 2, 3, and 4 above, the establishment license of Top Nails (#1532) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbara Flaherty

12-4-00

A member of the Board

Date