

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 :
 : **FINAL DECISION AND ORDER**
PHUONG T. NGUYEN. :
SAU N. PHAN. : **LS0704024BAC**
LA NAILS. :
RESPONDENTS. :

Division of Enforcement Case File #: **06 BAC 024**

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

Attn: Phuong T. Nguyen
Attn: Sau N. Phan
311 E. Main Street
Watertown, WI 53094

LA Nails
311 E. Main Street
Watertown, WI 53094

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 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. LA Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 002860. This license was first granted on 02/09/06.
2. LA Nails' most recent address on file with the Department of Regulation and Licensing ("Department") is: 311 E. Main Street, Watertown, WI 53094.
3. Phuong T. Nguyen, is the listed owner of LA Nails. Ms. Nguyen is not a licensee. Ms. Nguyen's most recent business address on file with the Department is: 311 E. Main Street, Watertown, WI 53094.
4. As an owner, Ms. Nguyen was and is at all times relevant to this action responsible for compliance with

5. Sau N. Phan is listed as the responsible licensee of LA Nails. Ms. Phan is licensed as a manicurist having license #085-006137. This license was first granted on 07/25/05.
6. Ms. Phan's most recent business address on file with the Department is: 311 E. Main Street, Watertown, WI 53094.
7. As the responsible licensee for LA Nails, Ms. Phan was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapter 2.
8. On or about March 9, 2006, the Department received a complaint from Watertown Area Health Services alleging that the state banned chemical substance, methyl methacrylate monomer (MMA) was being used in nail products at LA Nails.
9. On or about June 13, 2006, an inspection of LA Nails was performed by a Department investigator. The investigator confiscated two bottles of Diamond Liquid Low Smell. The content labeling on both bottles stated that the liquid contained MMA.
10. In resolution of this matter, Phuong T. Nguyen, Sau N. Phan, and LA Nails consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondents Phuong T. Nguyen, Sau N. Phan, and LA Nails, have violated:

Wis. Stat. § 454.15 (2)(c) and Wis. Admin. Code § BC 2.03(9) by using a state prohibited substance for manicuring care-methyl methacrylate monomer (MMA) on patrons at LA Nails.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted thirty (30) days from the date of this order and two more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due three months from the date of the order until the full **ONE THOUSAND FIVE HUNDRED DOLLARS** is paid.

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
PO Box 8935
Madison, WI 53708-8935
Telephone 608-261-7904
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that if the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, Sau N. Phan's manicurist license #085 006137 and LA Nails Manicuring Establishment license #071 002860 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 06 BAC 024 be, and hereby is, closed as to all Respondents.

Dated this 2nd day of April, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush