

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
:
NAIL ARTS, BACH PHAN AND :
THU PHUONG CAO, : LS0709108BAC
RESPONDENTS. :

Division of Enforcement Investigative File # 06 BAC 100

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

Nail Arts
5516 Durand Ave.
Racine, WI 53406

Bach Phan
5516 Durand Ave.
Racine, WI 53406

Thu Phuong Cao
5516 Durand Ave.
Racine, WI 53406

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. Nail Arts is licensed in the State of Wisconsin as a Manicuring Establishment having license # 71 1323. This license was first granted on 10/30/98, and is current through 06/30/07.
2. The most recent address on file with the Department of Regulation and Licensing (“Department”) for this

establishment is: 5516 Durand Ave., Racine, WI 53406.

3. Bach Phan & Thu Phuong Cao, are listed as owners of Nail Arts. Mr. Phan and Mr. Cao are not licensees. As owners, they were at all times relevant to this action responsible for compliance with Wis. Stat. chapter 454 and Wis. Adm. Code chapters BC 2, BC 3 and BC 4.

4. The most recent address on file with the Department for Mr. Phan and Mr. Cao is: 5516 Durand Ave., Racine, WI 53406.

5. On March 23 2007, an investigator from the Department performed an inspection at Nail Arts. During the inspection the investigator discovered an aesthetician providing aesthetics services to the public. Nail Arts did not have an aesthetician establishment license at the time services were being performed.

6. During the inspection on March 23, 2007, the investigator also found dirty residue in the filters of the pedicure tubs.

7. At the conclusion of the inspection on March 23, 2007, the investigator issued an Order to Correct to respondents, requesting that respondents take the following corrective measures by March 27, 2007:

Need aesthetician establishment license to do waxing; and
Clean filters on spas daily.

8. Respondents notified the investigator that corrective measures were taken to comply with the Order to Correct.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondents Nail Arts, Bach Phan & Thu Phuong Cao have violated:

- a. Wis. Stat. § 454.08(2)(b); Wis. Administrative Code §§ BC 2.04(1) by failing to obtain an aesthetician establishment license before providing services to the public;
- b. Wis. Administrative Code § BC 4.01(1) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents shall, jointly and severally pay COSTS in the amount of \$300.00 within 60 days of the date of this Order.

2. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,100.00 within 60 days of the date of this Order.

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
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

3. 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 Respondents fail to timely submit any payment as ordered, then the Respondent's licenses **SHALL BE SUSPENDED** without further notice or hearing until Respondents have complied with the terms of this Order.

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

IT IS FURTHER ORDERED, that file, 06 BAC 100 is hereby closed as to all Respondents.

Dated this 10th day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush