

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

REGAL NAILS and : FINAL DECISION AND ORDER
STEVEN T. PHAM : LS0909147BAC
RESPONDENTS. :

Division of Enforcement Case File Number: 09 BAC 008

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

Steven T. Pham
3701 E. Calumet Street
Appleton, Wisconsin 54915

Regal Nails
3701 E. Calumet Street
Appleton, Wisconsin 54915

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office 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 decision of this matter, subject to the approval of the Barbering and Cosmetology Examining Board. The Barbering and Cosmetology Examining Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Barbering and Cosmetology Examining Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Steven T. Pham whose date of birth is March 15, 1967, is duly licensed as a manicurist in the State of Wisconsin (License Number 85-4951). His license was first granted on June 28, 2002, and is current through March 31, 2011. The last address Mr. Pham reported to the Department of Regulation and Licensing (Department) is 3701 E. Calumet Street located in Appleton, Wisconsin 54915.
2. Regal Nails is duly licensed as a manicuring establishment in the State of Wisconsin (License Number 71-2532). That license was first granted on August 26, 2004, and is current through March 31, 2011. The last address reported to the Department of Regulation and Licensing for Regal Nails is 3701 E. Calumet Street located in Appleton, Wisconsin 54915. Steven T. Pham is listed as the owner of Regal Nails in the Department of Regulation and Licensing records.
3. On June 5, 2006, Mr. Pham and Regal Nails were disciplined by the Wisconsin Barbering and Cosmetology

Examining Board. A forfeiture of \$2700.00 was assessed for allowing an unlicensed person to perform manicuring services, for not ensuring equipment was properly cleaned and sanitized, and for not having practitioners wash their hands in between clients. A copy of that Final Decision and Order is attached to this document as Exhibit A.

4. On April 30, 2009, Investigator Michelle Krisher, an employee of the Department of Regulation and Licensing, inspected Regal Nails. During that inspection she found workstation drawers with used nail buffers, used disposable sanding band drill bits, metal manicuring implements together with pens and paper, and metal manicuring implements stored in an uncovered container which contained nail dust. Ms. Krisher also observed debris located on the pipes behind the hardware in the pedicure spa.
5. During that same inspection Mr. Pham admitted that Bryant K. Vo had worked in the salon for one day without a required credential.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to s. 454.15, Wis. Stats.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to s. 227.44 (5), Wis. Stats.
3. By allowing Bryant K. Vo to practice as an unlicensed manicurist at Regal Nails as set forth in Paragraph 5 of the Findings of Fact, Steven T. Pham and Regal Nails are in violation of s. 454.04 (1) (d), Wis. Stats., and s. BC 2.04 (1), Wis. Admin. Code.
4. By allowing the reuse of disposable implements as set forth in Paragraph 4 of the Findings of Fact, Steven T. Pham and Regal Nails are in violation of ss. BC 2.03 (1), 3.01 (1), 4.01 (1), and 4.10 (4), Wis. Admin. Code.
5. By improperly disinfecting the pedicure spas as set forth in Paragraph 4 of the Findings of Fact, Steven T. Pham and Regal Nails are in violation of ss. BC 4.01 (1), Wis. Admin. Code.
6. By improperly storing clean contact equipment as set forth in Paragraph 4 of the Findings of Fact, Steven T. Pham and Regal Nails are in violation of ss. BC 4.02 (4), Wis. Admin. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Steven T. Pham (License Number 85-4951) and Regal Nails (License Number 71-2532) are **REPRIMANDED**.

IT IS FURTHER ORDERED that Steven T. Pham's license as a manicurist (License Number 85-4951) and Regal Nails establishment license (License Number 71-2532) shall be **SUSPENDED** for ten (10) operating days.

IT IS FURTHER ORDERED that Steven T. Pham and Regal Pham shall jointly pay forfeiture in the amount of **ONE THOUSAND EIGHT HUNDRED-FIFTY** dollars (\$1,850.00) in this matter.

IT IS FURTHER ORDERED that Steven T. Pham and Regal Nails shall jointly pay full costs in the amount of **SIX HUNDRED FIFTEEN** dollars (\$615.00) in this matter.

All payments shall be submitted within 90 days from 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
Post Office Box 8935

Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event that Steven T. Pham and Regal Nails fail to timely submit any payment of the forfeiture and costs as set forth above, the manicurist license of Steven T. Pham (License Number 71-2532) and the establishment license of Regal Nails (License Number 85-4951) **SHALL BE SUSPENDED**, without further notice or hearing until Steven T. Pham and Regal Nails have complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

9/14/09
Date