

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 PROCEEDING
AGAINST:

| | |
|-----------------------------|--------------------------|
| DANIELLE VAN NGO, d/b/a | FINAL DECISION AND ORDER |
| WONDER NAILS AND TRI T. NGO | |
| Respondents | LS0102052BAC |

Division of Enforcement Case No. 00 BAC 068

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

DANIELLE VAN NGO
d/b/a/ WONDER NAILS
1645 N. Spring Street
Beaver Dam, WI 53916

TRI T. NGO
209 Webster Street #58
Beaver Dam, WI 53916

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in the matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Board. The Board has reviewed the stipulation and considers it acceptable.

Accordingly, the Board in the matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. WONDER NAILS, 1645 N. Spring Street, Beaver Dam, WI 53916, is duly licensed as a Manicuring Establishment in the State of Wisconsin (license #71-1247). The license was first granted on June 26, 1998. DANIELLE VAN

NGO is listed with the Department of Regulation and Licensing as the owner of WONDER NAILS . The last known address for DANIELLE VAN NGO in the Department of Regulation records is 225 Starkweather Drive, Beaver Dam, WI 53916.

2. As the owner, Ms. Van Ngo was and is at all times relevant to the action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

3. Tri T. Ngo is a licensed manicurist who was granted her license (#85-3557) on August 27, 1988. The last known address for Tri T. NGO in the Department of Regulation records is 209 Webster Street #58, Beaver Dam, WI 53916. Ms. Ngo was employed at Wonder Nails at all times relevant to this action.

4. On exact dates unknown, but beginning at least on November 2, 2000, clean, sanitary and safe conditions were not maintained at the Wonder Nails establishment. On that date, the Department of Regulation inspected the establishment in response to a complaint filed by a customer alleging that the licenses of the establishment and manicurists were not posted and that unlicensed persons were working at the establishment.

5. During the inspection by the Department, conducted on November 2, 2000, the Investigator found that the licenses were not posted, poisonous substances were kept in a unlocked cabinet in public areas of the establishment, there was no lid for the soiled linen container, and there were no disposable gloves at the workstations.

6. During the inspection, Ms. Tri T. Ngo was observed not to have washed her hands or disinfected her instruments after working on two different customers.

7. In resolution of the matter, DANIELLE VAN NGO AND TRI T. NGO, consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in the paragraphs above, **DANIELLE VAN NGO, d/b/a WONDER NAILS**, has violated the following:

1. Wis. Admin. Code BC 2.06. Owners of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3, and 4, and shall provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.
2. Wis. Admin. Code BC 2.07(2). Managers shall post all required licenses, permits, and notices.
3. Wis. Admin. Code BC 3.01(13) Establishment license shall be posted in the establishment.
4. Wis. Admin. Code BC 3.01(6). Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored in public areas shall be locked in a cabinet or closet.
5. Wis. Admin. Code BC 3.01(7). Plastic or metal containers of adequate size shall be provided to store all soiled linen. Soiled linen shall be properly cleaned or disposed of after use.
6. Wis. Admin. Code BC 4.04(2). Licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

By the conduct referred to in the paragraphs above, **TRI T. NGO**, has violated the following:

7. Wis. Admin. Code BC 4.01(2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents are not an acceptable substitute for washing hands with soap and running water.
8. Wis. Admin. Code BC 4.10(1)(a) Prior to use, all reusable manicure instruments shall be subjected to intermediate level disinfection or sterilization.
9. Wis. Admin. Code BC 2.08(1) Licensees holding current licenses or permits granted under ch. 454, Stats., shall be responsible for compliance with the sanitation and safety precautions contained in ch. BC 4.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the establishment license of **WONDER NAILS (#71-1247)** and the manicurist licenses of **DANIELLE VAN NGO (# 85-3292)** and **TRI T. NGO (#85-3557)** shall be **REPRIMANDED**.

IT IS FURTHER ORDERED that **DANIELLE VAN NGO d/b/a WONDER NAILS** shall pay to the Department of Regulation and Licensing a forfeiture of **TWO HUNDRED** dollars **(\$200.00)**. **IT IS FURTHER ORDERED** that **TRI T. NGO** shall pay to the Department of Regulation and Licensing a forfeiture of **TWO HUNDRED** dollars **(\$300.00)**.

Payment of the forfeitures shall be submitted within **30 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

PO Box 8935

Madison, WI 53708-8935

IT IS FURTHER ORDERED that in the event **DANIELLE VAN NGO AND TRI T. NGO** fails to timely submit payment of the forfeiture as set forth above, the establishment license of **WONDER NAILS** (71-1247) **SHALL BE SUSPENDED**, without further notice or hearing, until compliance has been gained. This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbara Flaherty

2-5-01

A member of the Board

Date