

# 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:

HUNG V. BUI, d/b/a CHERI NAILS,

FINAL DECISION AND ORDER

RESPONDENTS

LS0104021BAC

Division of Enforcement Case File No. 00BAC070

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

Hung V. Bui

d/b/a Cheri Nails

1810 Silvernail Road

Pewaukee, WI 53702

Barbering and Cosmetology Examining Board

PO 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 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. Cheri Nails, 1810 Silvernail Road, Pewaukee, WI 53702, is duly licensed as a manicuring establishment in the state of Wisconsin (license #1783). This license was first granted on November 28, 2000.
2. Hung V. Bui, 9666 West Bradley Road #105, Milwaukee, WI 53224, is listed with the Department of Regulation and Licensing as the owner of Cheri Nails. As owner and manager, Mr. Bui was and is responsible for compliance with ch. 454, Stats. and chs. BC 2, 3 and 4 of the Wisconsin Administrative Code.
3. Inspection of Cheri Nails on November 21, 2000 revealed the following violations:
  - a. Cheri Nails had moved from its former location at 2102 Silvernail Road without obtaining a license for its new location;
  - b. Thy Ngoc Tran was performing manicuring services without current Wisconsin licensure;
  - c. Huong Ly Thi Vo was performing manicuring services without current Wisconsin licensure;

- d. Poisonous substances were stored in a unlocked cabinet in a public area of the salon; and
- e. Equipment was not maintained in a sanitary condition.

4. Inspection of Cheri Nails on November 30, 2000 revealed the following violations:

- a. Nail adhesive containing methyl methacrylate [MMA] was in use at the facility;
- b. Disinfectant was not changed on a daily basis; and
- c. Manicuring instruments that cannot be disinfected were not disposed of following use.

5. In resolution of this matter, Mr. Bui consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 4 and 5, above, Hung V. Bui, as owner and manger of Cheri Nails, has violated secs. 454.04(1)(d), 454.08 and 454.15(2)(i), Stats., and Wis. Admin. Code §§BC 2.03(5), BC2.04, BC 2.06, BC 3.01(6), BC 4.01(1), BC 4.02(3a) and BC 4.10.

ORDER

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

1. Hung V. Bui, d/b/a Cheri Nails (license #1783), is **REPRIMANDED**.

**IT IS FURTHER ORDERED** that

2. Hung V. Bui shall pay to the Department of Regulation and Licensing a forfeiture of FOUR THOUSAND FOUR HUNDRED dollars (\$4,400.00).

3. Payment shall be submitted in increments of \$400.00 per month for a period of eleven months. Payments shall be due on the 15<sup>th</sup> day of each month, and the first payment shall be due on the 15<sup>th</sup> day of the month immediately following the effective 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.

**4. In the event Respondent fails to comply with the conditions set forth above, the establishment license of Cheri Nails (#1783) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**

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

WISCONSIN BARBERING AND COSMETOLOGY

EXAMINING BOARD

By: Barbara Flaherty

4-2-01

A Member of the Board

Date