

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:

BACH PHAN AND THU PHUONG CAO, d/b/a NAIL ARTS,
FINAL DECISION AND ORDER
RESPONDENTS LS0206035BAC

Division of Enforcement Case File No. 01BAC068

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

BACH PHAN and THU PHUONG CAO
d/b/a Nail Arts
5516 Durand Avenue
Racine, WI 53406

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. Nail Arts is duly licensed as a manicuring establishment in the state of Wisconsin (license #1323). This license was first granted on 10/30/1998.
2. BACH PHAN and THU PHUONG CAO, 5516 Durand Avenue, Racine, WI 53406, are listed with the Department of Regulation and Licensing as the owner of Nail Arts. As owners, BACH PHAN and THU PHUONG CAO were and are responsible for compliance with ch. 454, Stats. and chs. BC 2, 3 and 4 of the Wisconsin Administrative Code.
3. Inspection of Nail Arts on January 30, 2002, revealed the following violations:
 - a. Nail adhesive containing methyl methacrylate [MMA] was in use at the facility;
 - b. Manicuring instruments were not maintained in a clean and sanitary condition; (implements stored in dirty disinfectant, nail dust at workstations, used nail files and nail clippings were found at workstations).

c. Disinfectant for manicuring instruments was not changed daily.

4. In resolution of this matter, BACH PHAN and THU PHUONG CAO consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 4 and 5, above, BACH PHAN and THU PHUONG CAO, as owners of and d/b/a as Nail Arts, have violated sec. 454.15(2)(i), Stats., and Wis. Admin. Code §§BC 2.03(5), BC 4.01(1), BC 4.10(1)(a), BC 4.10(2) and BC 4.10(1)(b).

ORDER

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

1. BACH PHAN and THU PHUONG CAO, as owners of and d/b/a Nail Arts (license #1323), are hereby **REPRIMANDED**.
2. Within thirty [30] days of the effective date of this Order, BACH PHAN and THU PHUONG CAO shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND TWO HUNDRED dollars (\$1,200.00).
3. 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 Respondents fail to comply with the conditions set forth above, the establishment license of Nail Arts (#1323) 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: Lee Martinez

6-3-02

A Member of the Board

Date