

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
 : 01BAC065
LUU PHUONG NGUYEN :
RESPONDENT. : LS0208051BAC
 :

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Luu Phuong Nguyen
Super Nails
95 N Mooreland Rd. # A15
Brookfield, WI 53005

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

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. **Luu Phuong Nguyen** ("Nguyen"), date of birth 12/09/58, is licensed in the State of Wisconsin as a Manicurist having license # 85 2714. This license was first granted to her on 12/06/96. Nguyen's most recent address on file at the Department of Regulation and Licensing is 95 N. Mooreland Rd. #A15, Brookfield, WI

2. Nguyen is listed with the Department of Regulation and Licensing as owner of the Manicuring Establishment d/b/a Super Nails, License # 71 973. The most recent address on file with the Department of Regulation and Licensing for this establishment is 95 N. Mooreland Rd. #A15, Brookfield, WI 53005.

3. At all times relevant to this action, Nguyen was working as owner/manager, and was responsible for the daily operations of the establishment and for ensuring that the establishment was in compliance with Wis. Stats. chapter 454 and Admin. Code chapter BC 2.

4. On or about February 20, 2002, an inspection of Super Nails was performed by Department of Regulation and Licensing investigator Michelle Krisher. During the inspection investigator Krisher observed Michael Nguyen providing services to a client.

5. Michael Nguyen's Wisconsin Manicurist license expired June 30, 2001, and was not renewed until March 1, 2002.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.

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

3. Respondent **Luu Phoung Nguyen** has violated:

a. Wisconsin Statutes sec. 454.04(1)(d), and Wisconsin Administrative Code sections 2.06(1) and BC 2.04(1) by authorizing an employee, with an expired license, to provide manicurists services to clients.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Luu Phoung Nguyen** shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00). 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 , PO Box 8935, Madison, WI 53708-8935**. Payment shall be submitted as follows:

- a. \$200.00 due September 15, 2002.
- b. \$200.00 due November 15, 2002.
- c. \$200.00 due December 15, 2002.
- d. \$200.00 due January 15, 2003.
- e. \$200.00 due February 15, 2003.

IT IS FURTHER ORDERED, that in the event **Luu Phoung Nguyen** fails to timely submit payment of the forfeiture as set forth above, the Manicurist's license of Luu Phoung Nguyen (#85 2714) **SHALL BE SUSPENDED**, without further notice or hearing, until respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 01 BAC 065 be, and hereby is, closed as to Luu Phuong Nguyen and Super Nails.

Dated this 5th day of August, 2002.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Barbara Flaherty