

# 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  
:  
TAM NGUYEN : RESPONDENT.  
: LS0208052BAC

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

Tam Nguyen  
K-Nails  
2061 McCoy Rd.  
Sun Prairie, WI 53590

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. **Tam Nguyen** ("Nguyen"), date of birth 07/27/68, is licensed in the State of Wisconsin as a Manicurist having license # 85 4679. This license was first granted to him on 10/03/01.
2. Nguyen is listed with the Department of Regulation and Licensing as owner of the Manicurist

Establishment d/b/a K-Nails, License # 71 1910. The most recent address on file with the Department of Regulation and Licensing for this establishment is 2061 McCoy Rd., Sun Prairie, WI 53590.

3. At all times relevant to this action, Nguyen 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 chapters BC 2, 3 and 4.

4. On or about May 2, 2002, an inspection of K-Nails was performed by Department of Regulation and Licensing investigator Candace Bloedow. During the inspection investigator Bloedow found the following:

- a. A written protocol describing the procedure for unintentional occupational exposure to bodily fluids was not posted.
- b. A proper plastic or metal container was not provided for soiled linen.
- c. Poisonous substances were not stored in a locked cabinet or closet.
- d. An unlicensed employee was providing manicurists services to a client.

### **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 **Tam Nguyen** has violated:

- a. Wisconsin Administrative Code section BC 4.05(2) by not posting a written protocol describing the procedure for unintentional occupational exposure to bodily fluids.
- b. Wisconsin Administrative Code section BC 3.01(7) by not providing a proper plastic or metal container for soiled linen.
- c. Wisconsin Administrative Code section BC 3.01(6) by not having poisonous substances stored in a locked cabinet or closet.
- d. Wisconsin Statutes sections 454.04(1)(d) and 454.15(2)(i) and Wisconsin Administrative Code sections BC 2.04(1) and BC 2.06(1) by authorizing an unlicensed employee 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 **Tam Nguyen** shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND ONE HUNDRED dollars (\$1,100.00). Payment shall be submitted within thirty (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, Department of Regulation and Licensing , PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event **Tam Nguyen** fails to timely submit payment of the forfeiture as set forth above, the Manicurist's license of Tam Nguyen (#85 4679) 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 078 be, and hereby is, closed as to all respondents.

Dated this 5<sup>th</sup> day of August, 2002.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Barbara Flaherty