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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
BIEN THANH NGO, OWNER : LS0303035BAC
D/B/A ROSE’S NAILS, :
RESPONDENTS :

Division of Enforcement Case No. 01BAC083

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

Bien Thanh Ngo, owner/practitioner
D/B/A Rose’s Nails
815 Superior Street
Antigo, WI 54409

Barbering and Cosmetology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and finds it acceptable.

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

FINDINGS OF FACT

1. Bien Thanh Ngo, owner and practitioner, D/B/A Rose's Nails, 815 Superior Street, Antigo, WI 54409, is currently licensed as a barber and cosmetology establishment in the State of Wisconsin (establishment license #711859 granted on 5/9/01). Rose's Nails is currently conducting barbering and cosmetology services.
2. According to the Department of Regulation and Licensing records, Bien Thanh Ngo, 815 Superior Street, Antigo, WI 54409, owner and practitioner of Rose's Nails, is duly licensed in the State of Wisconsin as a barber and cosmetology practitioner (license #854310 granted on 10/9/00). As owner and practitioner of Rose's Nails, Bien Thanh Ngo was and is, at all times relevant to this action, responsible for compliance with Wisconsin Statute, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2, 3 and 4.
3. During a routine inspection of Rose's Nails salon on October 5, 2002, the investigator for the State of Wisconsin observed several sanitation violations as well as the negligent practice of using nail acrylic containing Methyl Methacrylate (MMA). The sanitation violations involved Rose's Nails failed to maintain salon equipment in a clean, sanitary and safe condition, failed to store clean equipment in a covered container, failed to disinfect contact equipment and reused disposable equipment between clients.
4. In resolution of this matter, Respondents, Bien Thanh Ngo, D/B/A Rose's Nails, consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Bien Thanh Ngo, owner/practitioner, D/B/A Rose's Nails, violated the Wisconsin Administrative Code for Barbering and Cosmetology BC 2.03(5), 4.01(1), 4.02(3a), 4.10(1)(a) and 4.10(2).

ORDER

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

1. Bien Thanh Ngo, owner/practitioner D/B/A Rose's Nails, **shall** immediately CEASE all business at Rose's Nails until full compliance with all aspects and sections of the Wisconsin Administrative Code for Barbering and Cosmetology has been obtained. Respondents SHALL take adequate and necessary precautions to maintain a safe, clean and sanitary salon. Respondents SHALL immediately CEASE using nail acrylics containing Methyl Methacrylate (MMA), shall maintain all salon equipment in a clean, sanitary and safe condition, shall store clean equipment separately in a covered clean container, shall disinfect all contact equipment and shall not reuse disposable contact equipment between clients.

2. Bien Thanh Ngo, owner/practitioner D/B/A Rose's Nails **shall** pay to the Department of Regulation and Licensing, a forfeiture of ONE THOUSDAND AND FOUR HUNDRED DOLLARS (\$1,400.00) **by February 28, 2003**

3. *Payment **shall** be made by certified check or money order, payable to:*

Wisconsin Department of Regulation and Licensing

Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

In the event that Respondents, Bien Thanh Ngo, D/B/A Rose's Nails fails to comply with the conditions set forth within the Stipulation and Order, the barbering and cosmetology practitioner's license (#854310) of Bien Thanh Ngo and the establishment license of Rose's Nails (#711859) SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbara Flaherty
Board Member

3-3-03
Date