

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

RESPONDENTS :

## **FINDINGS OF FACT**

1. Xuan V. Ngo (license #85-4405, granted on 01/18/01) and Ngan K. Ngo (license # 85-4567, granted on 05/22/01), are currently licensed as manicurists in the State of Wisconsin.
2. The latest address for Xuan V. Ngo and Ngan K. Ngo on record with the Department of Regulation and Licensing, (hereafter "Department"), is 402 S. 8<sup>th</sup> Avenue, Wausau, Wisconsin, 54401.
3. According to the Department records, Xuan V. Ngo and Ngan K. Ngo are owners of Fancy Nails, a manicuring establishment located at D400 Wausau Center, Wausau, WI 54403, (license #71-1884, granted on 06/12/01).
4. As owners of a manicuring establishment, Xuan V. Ngo and Ngan K. Ngo are and were 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.
5. On October 4, 2002, an announced establishment inspection was performed by the Department. The inspection revealed that Xuan V. Ngo and Ngan K. Ngo employed an individual identified as Lam Q. Le, to provide manicuring services when his temporary manicuring permit had expired on July 1, 2001.
6. The inspection further revealed that disinfected manicuring implements were stored in uncovered glass jars and that nail dust, nail debris and dirty implements were located at the work stations.
7. Lam Q. Le renewed his manicurist license on October 10, 2002.
8. In resolution of this matter, Xuan V. Ngo and Ngan K. Ngo, D/B/A Fancy Nails consents to the entry of the following Conclusions of Law and Order.

## **CONCLUSIONS OF LAW**

Xuan V. Ngo and Ngan K. Ngo, as owners of a licensed establishment, Fancy Nails, have violated the following:

1. Wisconsin Administrative Code for Barbering and Cosmetology § BC 2.04(1) by assisting in unlicensed practice by employing a person with an expired license to provide manicuring services in an establishment;
2. Wisconsin Administrative Code for Barbering and Cosmetology § BC 4.0(1) by failing to maintain equipment, tools and implements used by licensees for services in an establishment in clean, sanitary and safe condition;
3. Wisconsin Administrative Code for Barbering and Cosmetology § BC 4.02(3a) by failing to store clean disinfected contact equipment in a covered container;
4. Wisconsin Administrative Code for Barbering and Cosmetology § BC 4.10 (1)(a) by failing to immediately sterilize all reusable manicure instruments.

## **ORDER**

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

1. Xuan V. Ngo and Ngan K. Ngo, D/B/A Fancy Nails, shall pay to the Department of Regulation and Licensing a forfeiture of one thousand three hundred dollars (\$1,300.00) payable in six monthly installments beginning on the effective date of the order. The monthly installments shall consist of five payments in the amount of \$216.66 and one payment in the amount of \$216.70.
2. *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 Xuan V. Ngo and Ngan K. Ngo, D/B/A Fancy Nails, fails to comply with the conditions set forth within the Stipulation and Order, the manicuring licenses of Xuan V. Ngo (#85-4405) and Ngan K. Ngo (#85-4567) and the establishment license of Fancy Nails (#71-1884) 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

3-3-03

Board Member Date