

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MICHAEL JAMES PHUNG, OWNER : LS0303038BAC
D/B/A NAILS BY MICHAEL, :
RESPONDENT :

Division of Enforcement Case No. 02BAC091

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

Michael James Phung, owner/practitioner
D/B/A Nails by Michael
465 N. Rolling Meadows Drive
Fond du Lac, WI 54935

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. Michael James Phung, D/B/A Nails by Michael, 465 N. Rolling Meadows Drive, Fond du Lac, WI 54935, has been conducting manicuring services without a valid or current manicurist's license and without a valid or current manicuring establishment license between June 30, 2001 and June 13, 2002 as required by Wisconsin Statutes and the Wisconsin Administrative Code for Barbering and Cosmetology.
2. According to the Department of Regulation and Licensing records, Michael James Phung, D/B/A Nails by Michael, 465 N. Rolling Meadows Drive, Fond du Lac, WI 54935, owner and sole practitioner of the salon, was duly licensed in the State of Wisconsin as a manicuring establishment (license #711642 granted on 4/18/00). It expired on 6/30/00 and was not renewed until 6/13/02. During that period, the Nails by Michael salon continued to conduct manicuring services without an establishment license.
3. Michael James Phung, D/B/A Nails by Michael, 465 N. Rolling Meadows Drive, Fond du Lac, WI 54935, owner and sole practitioner, was duly licensed in the State of Wisconsin as a manicurist practitioner (license #853526 granted on 7/27/98). It expired on 6/30/01 and was not renewed until 6/13/02. During that period, Michael James Phung continued to conduct manicuring services without a valid or current manicuring practitioner's license.
4. During a routine inspection of the Nails by Michael salon, the investigator for the State of Wisconsin observed several sanitation violations. The violations were for failing to maintain the salon floor in an orderly and sanitary condition, failure to store poisonous substances out of public areas or keep them in a locked cabinet and failure to provide antiseptic at each work station as required by law.
5. As the owner and sole practitioner of Nails by Michael, Michael James Phung 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.
6. In resolution of this matter, Respondent, Michael James Phung, owner/practitioner, D/B/A Nails by Michael, consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Michael James Phung, owner/practitioner, D/B/A Nails by Michael, violated Wisconsin Statutes, Chapter 454.04(1)(d) and 454.08(1)(b) and Wisconsin Administrative Code for Barbering and Cosmetology BC 2.04(1), 3.01(1), 3.01(4), 3.01(6), 3.01(7) and 4.04(1).

ORDER

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

1. Michael James Phung, owner/practitioner, D/B/A Nails by Michael, **shall** immediately resolve all sanitation issues by strictly adhering to the Wisconsin Administrative Code sections previously cited as violations, and immediate compliance shall be achieved to ensure safe, clean and sanitary conditions are maintained at the salon.
2. Michael James Phung, owner/practitioner D/B/A Nails by Michael shall pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND AND THREE HUNDRED DOLLARS (\$2,300.00) by April 30, 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 Respondent, Michael James Phung, D/B/A Nails by Michael, fails to comply with the conditions set forth within the Stipulation and Order, the manicuring practitioner's license of Michael James Phung (#853526) and establishment license of Nails by Michael (#711642) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has 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