

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
TUAN V. PHAN, OWNER, : LS0308046BAC  
D/B/A SUN NAILS, :  
RESPONDENTS. :

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**Division of Enforcement Case No. 02BAC127**

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

Tuan V. Phan  
Sun Nails  
2641 N. 27<sup>th</sup> Street  
Milwaukee, WI 53210

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. Tuan V. Phan is the owner and practitioner (practitioner license #85-4382 granted on 12/11/00) of Sun Nails, located at 2641 N. 27th Street, Milwaukee, WI 53210, which is currently licensed as a barber and cosmetology establishment in the State of Wisconsin (establishment license #71-2037 granted on 04/03/02). Tuan V. Phan D/B/A Sun Nails employed an unlicensed practitioner (Thang Sy Ho).

2. According to the Department of Regulation and Licensing records, Tuan V. Phan, 2621 W. National Avenue, Milwaukee, WI, 53204 is the listed owner of Sun Nails and is duly licensed in the State of Wisconsin as a barber and cosmetologist (practitioner license #85-4382). As owner, Tuan V. Phan was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2, 3 and 4.

3. Tuan V. Phan D/B/A Sun Nails employed an unlicensed practitioner (Thang Sy Ho), who provided barbering and cosmetology services to the public without a valid or current Wisconsin Barbering and Cosmetology license.

4. In resolution of this matter, Tuan V. Phan D/B/A Sun Nails consents to the entry of the following Conclusions of Law and Order.

## **CONCLUSIONS OF LAW**

Tuan V. Phan, owner and practitioner, D/B/A Sun Nails, violated Wisconsin Statutes, Chapter 454.04(1)(d) and the Wisconsin Administrative Code for Barbering and Cosmetology BC 2.04(1).

## **ORDER**

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

1. Tuan V. Phan, D/B/A Sun Nails shall immediately provide the Department Monitor with the names of any and all duly licensed barber and cosmetologists providing services at the salon. Respondents shall CEASE operation of the business unless and until he has only duly licensed personnel employed to provide barbering and cosmetology services. Respondents shall provide this information to the Department Monitor **by August 30, 2003**. Tuan V. Phan D/B/A Sun Nails shall pay to the Department of Regulation and Licensing a forfeiture of one thousand dollars (\$1,000.00). \$200.00 shall be submitted within thirty (30) days from the date of this Order and payments of \$200.00 will be due on the first of every consecutive month thereafter until the full \$1000.00 is paid.

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 Tuan V. Phan D/B/A Sun Nails fails to comply with the conditions set forth within the Stipulation and Order, the barbering and cosmetology practitioner license (#85-4382) of Tuan V. Phan AND the establishment license of Sun Nails (#71-2037) 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: Leon Lauer  
Board Member

8-4-03  
Date