

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
 : LS0312012BAC
SPA NAILS, INC. D/B/A SPA NAILS, :
RESPONDENT. :

Division of Enforcement Case No. 02BAC131

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

Spa Nails, Inc. d/b/a Spa Nails
8737 W. North Ave.
Wauwatosa, WI 53226

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. Spa Nails, Inc. d/b/a Spa Nails (Spa Nails) is a manicuring establishment (license #71-1989 granted on 12/21/01), located at 8737 W. North Ave., Wauwatosa, WI, 53226.
2. As a licensee, Spa Nails was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2, 3 and 4, and local codes and ordinances.
3. Spa Nails employed an unlicensed practitioner (Loc Nguyen a/k/a Tony), who provided manicuring services to the public without a valid or current Wisconsin Barbering and Cosmetology license.
4. Spa Nails employed an unlicensed practitioner (Thao Phauonz Le a/k/a Selina), who provided manicuring services to the public without a valid or current Wisconsin Barbering and Cosmetology license.
5. Spa Nails employed an unlicensed practitioner (Thanh Trinh a/k/a Tony), who provided manicuring services to the public without a valid or current Wisconsin Barbering and Cosmetology license.
6. Spa Nails did not dispose of used nail files/emery boards.
7. Spa Nails did not individually dispense acrylic powder for each client, but rather used a common bowl for each client at each station.
8. Spa Nails did not clean or sanitize the wax and/or the pedicure container in which it was contained.
9. In resolution of this matter, Spa Nails consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.
2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent Spa Nails has violated §§BC 2.04(1), BC 4.01 (1), BC 4.02(4), and BC 4.10(2) of the Wisconsin Administrative Code.

ORDER

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

1. Spa Nails shall pay a forfeiture of one thousand dollars (\$1,000.00) for the unlicensed practice of Loc Nguyen a/k/a Tony.
2. Spa Nails shall pay a forfeiture of one thousand dollars (\$1,000.00) for the unlicensed practice of Thao Phauonz Le a/k/a Selina.
3. Spa Nails shall pay a forfeiture of one thousand dollars (\$1,000.00) for the unlicensed practice of Thanh Trinh a/k/a Tony.
4. Spa Nails shall pay a forfeiture of one hundred dollars (\$100.00) for failing to dispose of used nail files/emery boards, for failing to clean or sanitize the wax and/or the pedicure container in which it was contained, and for failing to individually dispense acrylic powder for each client, and for using a common bowl for each client at each station.
5. The total forfeiture payment of \$3,100 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

\$350.00 shall be submitted within thirty (30) days from the date of this Order and payments of \$250.00 will be due on the first of every consecutive month thereafter until the full \$3100.00 is paid.

In the event that Spa Nails fails to comply with the conditions set forth within this Stipulation and Order, the barbering and manicuring establishment license (#71-1989) of SPA NAILS 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	12-1-03
	Board Member	Date