

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
BACH PHAN, THU PHUONG CAO, : LS04060711BAC
D/B/A NAIL ARTS :
RESPONDENTS. :

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Bach Phan,
Thu Phuong Cao,
D/B/A Nail Arts
5516 Durand Avenue
Racine, WI 53406

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. **Nail Arts**, located at 5516 Durand Avenue, in Racine, Wisconsin is licensed as a manicuring establishment in the State of Wisconsin having license # 071 001323. This license was first granted to the establishment on 10/30/98 and is current through 6/30/05.
2. **Bach Phan and Thu Phuong Cao**, located at 5516 Durand Avenue, in Racine, Wisconsin are the listed owners of **Nail Arts**. According to the Department of Regulation and Licensing records, neither **Bach Phan nor Thu Phuong Cao** has a manicurist license.
3. As owners, **Bach Phan and Thu Phuong Cao** were and are at all times relevant to this action responsible for compliance with Wisconsin Statute, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapter 2.
4. On or about March 18, 2003, an inspection of **Nail Arts** was performed by two investigators from the Department of Regulation and Licensing. The inspection revealed that Tri Nguyen was providing manicuring services without a license. Since the inspection, the Department of Regulation and Licensing records indicate that Tri Nguyen has received his manicurist license, # 085 005503. This license was first granted to him on 1/12/04 and is current through 6/30/05.
5. In resolution of this matter, **Bach Phan and Thu Phuong Cao D/B/A Nail Arts** consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondents **Bach Phan and Thu Phuong Cao D/B/A/ Nail Arts** have violated:

Wisconsin Statutes sections 454.15(2)(i) and 454.04(1)(d) and Wisconsin Administrative Code sections 2.04(1) and 2.04(6) by permitting an employee to perform manicuring services without a manicurist's license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondents **Bach Phan and Thu Phuong Cao** shall pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that Respondents **Bach Phan and Thu Phuong Cao**, pay partial costs in this matter in the amount of **THREE HUNDRED DOLLARS (\$300.00)**.

IT IS FURTHER ORDERED, that a down payment of **THREE HUNDRED AND TWENTY-FIVE DOLLARS (\$325.00)** shall be submitted within thirty (30) days from the date of this order and payments of **THREE HUNDRED AND TWENTY-FIVE DOLLARS (\$325.00)** will be due on the first of every consecutive month there after until the full **ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event **Bach Phan and Thu Phuong Cao** fails to timely submit payment of the forfeiture and partial costs as set forth above, their Manicuring Establishment License # 071 001323 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 03 BAC 023 be, and hereby is, closed as to **Bach Phan and Thu Phuong Cao D/B/A Nail Arts**.

Dated this 7th day of June, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer
A Member of the Board