

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

| | | |
|---------------------------------|---|--------------------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| NAIL FIRST and PETER B. NGUYEN, | : | LS0406074BAC |
| RESPONDENTS | : | |

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

Nail First
5656 S. Packard Ave.
Suite 100
Cudahy, WI 53110

Peter B. Nguyen
1103 S. 28th St.
Milwaukee, WI 53215

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 Barbering and Cosmetology Examining Board (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. Peter B. Nguyen is the owner and barbering and cosmetology manager of Nail First, a manicuring establishment (license #71-1219) located at 5656 S. Packard Ave., Cudahy, WI 53110.
2. Peter B. Nguyen's last reported address to the Department of Regulation and Licensing is 1103 S. 28th St., Milwaukee, WI 53215. He holds a current Wisconsin Manicurist's license #85-4739.
3. On December 11, 2003, the Department of Regulation and Licensing conducted an inspection of Nail First. During the inspection, violations of barbering and cosmetology regulations were observed and a Notice of Compliance was issued to Mr. Nguyen and Nail First.
4. Regulatory violations that were discovered at Nail First include:
 - a. Work station surfaces covered with a white powder consistent with nail filing residue;
 - b. Barbicide containers contaminated with floating debris and changed on a weekly basis at most;

- c. Reused nail files and buffers;
- d. Rusty and dirty implements stored in the carts by the pedicure bowls;
- e. Manicuring wax containing brown sediment;
- f. Common acrylic powder and liquid bowls in use for multiple customers;
- g. Stained and dirty carpeting; and
- h. Nguyen employed a manicurist, Heim Vu, who provided manicuring services to the public without a valid or current Wisconsin Barbering and Cosmetology license.

5. In resolution of this matter, Peter B. Nguyen and Nail First consent 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 the matter pursuant to §454.15, Wis. Stats.
2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
3. Peter B. Nguyen and Nail First have violated:
 - a. §BC 2.04(1), Wis. Adm. Code, by assisting or participating in the unauthorized and unlicensed practice of manicuring, as described in par. 4.h., above.
 - b. §§BC 3.01(1) and 4.01(1), Wis. Adm. Code, by failing to keep floors, equipment, tools, utensils, and instruments in good repair and maintained in an orderly and sanitary condition as described in pars. 4.a. and g., above.
 - c. §BC 4.10(4), Wis. Adm. Code, by failing to dispose of contact equipment after each use, as described in par. 4.c., above.
 - d. §BC 4.10 (2), Wis. Adm. Code, by failing to properly change and keep disinfectant, as described in par. 4.b., above.
 - e. §BC 4.10(1), Wis. Adm. Code, by failing to keep reusable instruments disinfected, as described in par. d., above.
 - f. §BC 4.01(4), Wis. Adm. Code, by failing to keep manicuring substances in a manner which would prevent contamination for any unused portion, as described in pars. 4.e. and f., above.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Peter B. Nguyen, license #85-4739, is REPIMANDED.
2. Respondent Nail First, license #71-1219, is REPRIMANDED.
3. Respondent Peter B. Nguyen pay a FORFEITURE in this matter in the amount of \$1400.00 within 6 months of the

date of this Order.

4. Any and all petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. Violation of any term or condition of this Order may constitute grounds for revocation of Respondents' licenses to practice barbering and cosmetology in Wisconsin. Should the Board determine that there is probable cause to believe that Respondents have violated the terms of this Order, the Board may order that Respondents' licenses be summarily suspended pending investigation of and hearing on the alleged violation.

6. File 03 BAC 092 be, and hereby is, closed.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

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| By: | Leon Lauer | 6-7-04 |
| | Board Member | Date |