

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
MY T LE, MYLES NAILS, & : LS0406076BAC
007 NAILS, :
RESPONDENTS. :

Division of Enforcement Case File #'s: 02 BAC 008, 02 BAC 009, 02 BAC 097

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

My T. Le,
Myles Nails, &
007 Nails
2709 E. Washington Avenue
Madison, WI 53704

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. **Myles Nails**, located at 2709 E. Washington Avenue, in Madison, Wisconsin is licensed as a manicuring establishment in the State of Wisconsin having recent license # 071 001664. This license was first granted to the establishment on 05/19/00 and is currently on non-working status as of 03/08/04. A new manicuring establishment license, # 071 002430 was granted to the establishment on 03/08/04 and is current through 06/30/05.
2. **007 Nails**, located at 4237 Lien Road in Madison, Wisconsin is licensed as a manicuring establishment in the State of Wisconsin having recent license # 071 001960. This license was first granted to the establishment on 10/11/01 and is currently on non-working status as of 10/30/03. A new manicuring establishment license, # 071 002359 was granted to the establishment on 10/30/03 and is current through 06/30/05.
3. **My T. Le**, date of birth 05/10/72, located at 2709 E. Washington Avenue, in Madison, Wisconsin, was the listed owner of **Myles Nails and 007 Nails** at the time of the investigation and is licensed in the State of Wisconsin as a manicurist, having license # 085 003803. This license was first granted to her on 05/17/99 and is current through 06/30/05.
4. As owner, **My T. Le** 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 2, 3, and 4.

5. On or about March 13, 2003, an inspection of **Myles Nails** was performed by two investigators from the Department of Regulation and Licensing. During the investigation, the investigators found Duc Van Duong to be working inside the establishment without a manicurist license. The inspection also revealed that business cards reflected “waxing” as a service that is provided by the salon. A telephone conversation between an investigator and My T. Le revealed that eyebrow waxing services were being performed in the salon. According to Department of Regulation and Licensing records, **Myles Nails** does not have an aesthetics license to provide such services.

6. During the same investigation, a sanitation inspection of **Myles Nails** was also conducted. The inspection revealed the following:

- a. Pedicure spas had not been cleaned or disinfected properly.
- b. Pedicure implements had not been cleaned properly.
- c. Clean towels were not stored in a covered container.
- d. The establishment had not been cleaned properly.
- e. Cuticle clippers had not been cleaned or disinfected properly.
- f. The sterilizer had not been cleaned and was not plugged in.
- g. Prices for waxing services were not posted in a conspicuous place.

7. On or about October 15, 2003, an inspection of **007 Nails** was performed by two investigators from the Department of Regulation and Licensing. During the investigation, the investigators found Quy Tung Vu to be working inside the establishment without a manicurist license. The inspection also revealed that Dung Le had been providing aesthetics services without an aesthetics license. According to Department of Regulation and Licensing records, **007 Nails** does not have an aesthetics license to provide such services.

8. During the same investigation, a sanitary inspection was also conducted of **007 Nails**. The inspection revealed the following:

- a. A plastic uncovered container of manicuring implements had nail dust inside causing the implements to be dirty.
- b. Used disposable nail files were located in a drawer that also contained clean/new disposable nail files in one of the workstations.
- c. Clean towels that were located on the counter by the sink were not in covered containers.
- d. Tweezers containing a lot of hair was located in a table in the spa/wax room.
- e. All three of the pedicure spas were dirty.

8. In resolution of this matter, **My T. Le** 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 **My T. Le , Myles Nails and 007 Nails** have violated:

- a. Wisconsin Statutes sections 454.15(2)(i) and 454.04(1)(b)(d) by permitting unlicensed persons to provide aesthetics and manicuring services.
- b. Wisconsin Statutes sections 454.15(2)(i) and 454.08 (1)(b) and Wisconsin Administrative Code section BC 3.01(1), by providing aesthetics services outside of a licensed establishment.
- c. Wisconsin Administrative Code sections BC 4.01 (1), by failing to maintain the establishments in a clean, sanitary, and safe condition;
- d. Wisconsin Administrative Code section BC 4.01(1) by failing to properly clean pedicure spas.
- e. Wisconsin Administrative Code sections BC 4.02(1); and 4.10(1) by failing to properly clean and disinfect pedicure implements.
- f. Wisconsin Administrative Code section BC 4.10(4) by failing properly disinfect cuticle clippers.
- g. Wisconsin Administrative Code section BC 4.02(4) by failing to properly store clean towels in a covered container.
- h. Wisconsin Administrative Code section BC 4.03(1)(2) and 4.10(3) by failing to properly maintain the sterilizer.
- i. Wisconsin Administrative Code section BC 2.05(2) for not posting waxing prices in a conspicuous place.

ORDER

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

IT IS FURTHER ORDERED, that Respondents **My T. Le, Myles Nails and 007 Nails** shall pay to the Department of Regulation and Licensing a forfeiture of **FOUR THOUSAND DOLLARS (\$4,000.00)**.

IT IS FURTHER ORDERED, that Respondents **My T. Le, Myles Nails and 007 Nails** pay partial costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that a down payment of **THREE HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$333.33)** shall be submitted within thirty (30) days from the date of this order and payments of **THREE HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$333.33)** will be due on the first of every consecutive month there after until the full **FIVE THOUSAND DOLLARS (\$5,000.00)** 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 **My T. Le** fails to timely submit payment of the forfeiture and partial costs as set forth above, **Myles Nails** establishment license # 071 001664, **007 Nails** establishment license # 071 002359 and **My T. Le's** manicurist license # 085 003803 **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 her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 02 BAC 008, 02 BAC 009, 02 BAC 097 be, and hereby is, closed as to all

Respondents.

Dated this 7th day of June, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer

A Member of the Board