

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
 HUNG VAN NGUYEN : LS0406079BAC
 D/B/A USA NAIL SALON, :
 RESPONDENTS. :

Division of Enforcement Case No. 02 BAC 133

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

Hung Van Nguyen
1804 Cortez Lane
Schofield, WI 54476

USA Nail Salon
1503 East Green Bay Street
Shawano, WI 54166

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office 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 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. Hung Van Nguyen (date of birth June 2, 1964), 1804 Cortez Lane, Schofield, WI 54476, is duly licensed as a manicurist in the state of Wisconsin (license #85-3248). This license was first granted on January 30, 1998, and is current through June 30, 2005.
2. USA Nail Salon, 1053 East Green Bay Street, Shawano, WI 54166, is duly licensed as a manicuring establishment in the state of Wisconsin (license #71-2358). The same address was licensed as the manicuring establishment of USA Nails Salon by the state of Wisconsin (license #71-1135) from January 28, 1998, through June 30, 2001. In October 2003, Mr. Nguyen, the new owner of the salon requested a new establishment license. A new establishment license for USA Nail Salon was granted on October 28, 2003, and is current through June 30, 2005. Hung Van Nguyen is listed with the Department of Regulation and Licensing as the current owner of USA Nail Salon. As owner, Mr. Nguyen is and was at all times relevant to this action responsible for compliance with Ch. 454, Stats. and Wisconsin Administrative Code Chs. BC 2, 3 and 4.
3. An inspection of USA Nail Salon by an investigator of the Department of Regulation and Licensing on October 23, 2003, revealed that there was not a current establishment license for USA Nail Salon. The inspection also revealed that used nail

files were not properly disposed of after use and were mixed in with clean nail files. Used nail clippers and blades were not disinfected after use and were mixed in with clean files.

4. In resolution of this matter, Hang Van Nguyen d/b/a USA Nail Salon 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, Stats.

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

3. By conduct referred to in Paragraph 3 of the Findings of Fact, Hung Van Nguyen d/b/a USA Nail Salon, violated:

1. Sec. 454.08(1)(b), Stats. No person may practice manicuring in an establishment unless that establishment is licensed to provide that practice.
2. Sec. 454.08(4), Stats. The Barbering and Cosmetology Examining Board shall establish minimum standards concerning the maintenance, equipment, plans and specifications for licensed establishments as they relate to public health and safety. The Barbering and Cosmetology Examining Board may not license an establishment unless it meets the standards.
3. Sec. 454(15)(2)(i), Stats. Violated this chapter or any rule promulgated under this chapter.
4. Wis. Admin. Code Sec. BC 2.03(1). Services provided by any licensee shall be preformed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.
5. Wis. Admin. Code Sec. BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of manicuring.
6. Wis. Admin Code Sec. BC 2.08(1). Licensees holding current licenses shall be responsible for compliance with the sanitation and safety precautions contained in Ch. BC 4.
7. Wis. Admin. Code Sec. BC 3.01(1). Manicuring shall not be practiced outside of the confines of a licensed establishment.
8. Wis. Admin. Code Sec. BC 3.04(1). Before a person may open a new establishment or change ownership of an existing establishment, the person shall submit an application.
9. Wis. Admin. Code Sec. BC 3.06(1). Change of ownership of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license.
10. Wis. Admin. Code Sec. BC 4.01(1). All areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.
12. Wis. Admin. Code Sec. BC 4.02(4). Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of

soiled contact equipment until cleaned and disinfected.

13. Wis. Admin Code Sec. BC 4.10(1). Prior to use, all reusable manicure instruments shall be disinfected.
14. Wis. Admin. Code BC 4.10(4). Manicure instruments that can't be cleaned and disinfected or sterilized shall be disposed of following each use.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Hung Van Nguyen, d/b/a USA Nail Salon shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND TWO HUNDRED dollars (\$1,200.00) on the following schedule:

Payment	Payment Date	Amount
1	August 15, 2004	\$100.00
2	September 15, 2004	\$100.00
3	October 15, 2004	\$100.00
4	November 15, 2004	\$100.00
5	December 15, 2004	\$100.00
6	January 15, 2005	\$100.00
7	February 15, 2005	\$100.00
8	March, 15, 2005	\$100.00
9	April 15, 2005	\$100.00
10	May 15, 2005	\$100.00
11	June 15, 2005	\$100.00
12	July 15, 2005	\$100.00

Payment shall be submitted within 90 days from the date of this order. Payment 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
PO Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that in the event Hang Van Nguyen d/b/a USA Nail Salon fails to timely submit any payment of the forfeiture as set forth above, the establishment license of USA Nail Salon (#71-2358) **SHALL BE SUSPENDED**, without further notice or hearing, until Hang Van Nguyen d/b/a USA Nail Salon has 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
A member of the Board

6-7-04
Date