

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
LEE NAILS, PRO NAILS, LA NAILS, :
CAPITOL NAIL SALON, AND :
MAGICAL NAILS, :
RESPONDENTS. : LS0408023BAC

DOE Case #'s 01BAC101, 02BAC101, 02BAC102, 02BAC103, 02BAC104.

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

Lee Nails
275 W. Wisconsin Ave. #38
Milwaukee, WI 53203

Pro Nails
275 W. Wisconsin Ave. #30
Milwaukee, WI 53203

LA Nails
5934 N. 76th St.
Milwaukee, WI 53218

Capitol Nail Salon
5033 W. Capitol Dr.
Milwaukee, WI 53216

Magical Nails
6414 N. 76th St.
Milwaukee, WI 53223

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. **Thuan Tran**, (“Tran”) was listed with the Department of Regulation and Licensing as the owner of the five salons listed below. Tran is not a licensee. As owner, Tran was at all times relevant to this action responsible for compliance with Wis. Stats. chapter 454 and Admin. Code chapter BC 2. The most recent address on file with the Department of Regulation and Licensing for Tran is 7213 W. Cody Circle, Milwaukee, WI 53223.

2. **Lee Nails** is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 71 1745. This license was first granted to it on 09/13/00 and is current through June 30, 2005. The most recent address on file with the Department of Regulation and Licensing for this establishment is 275 W. Washington Ave. #38, Milwaukee, WI 53203.

3. **Pro Nails** is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 711744. This license was first granted to it on 09/13/00 and is current through June 30, 2005. The most recent address on file with the Department of Regulation and Licensing for this establishment is 275 W. Washington Ave. #30, Milwaukee, WI 53203.
4. **LA Nails** is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 71 916. This license was first granted to it on 05/13/97 and is current through June 30, 2005. The most recent address on file with the Department of Regulation and Licensing for this establishment is 5934 N. 76th St., Milwaukee, WI 53218.
5. **Capitol Nail Salon** is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 71 1026. This license was first granted to it on 10/03/97. Capitol Nail Salon was sold and on June 5, 2003, Capitol Nail Salon received a new Manicuring Establishment license (# 71 2249) and is current through June 30, 2005. The most recent address on file with the Department of Regulation and Licensing for this establishment is 5033 W. Capitol Dr., Milwaukee, WI 53216.
6. **Magical Nails** is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 71 815. This license was first granted to it on 11/15/96 and expired on July 1, 2001. On October 4, 2002, Magical Nail's was issued license # 71 2119 which and is current through June 30, 2005. Department of Regulation and Licensing records show a change in location for Magical Nails from 6414 N. 76th St., Milwaukee, WI to 4614 N. 76th St., Milwaukee, WI 53223.
7. On or about October 2, 2002, an inspection of **LA Nails** was performed by an investigator from the Department of Regulation and Licensing. During the inspection, the investigator discovered five employees providing manicuring services with expired licenses. The five employees who were providing the manicuring services with expired licenses were: Le Ha Truong, Yen Hong Vo, Loan Thu Tran, Timothy Cao, and Son Do Cao.
8. On or about that same day, an inspection of **Magical Nails** was performed by an investigator from the Department of Regulation and Licensing. During the inspection, the investigator discovered Ky Thiew V. Nguyen providing manicuring services without a valid license.
9. On or about October 3, 2002, an inspection of **Capitol Nails** was performed by an investigator from the Department of Regulation and Licensing. During the inspection, the investigator discovered that Christine Cao had been providing manicuring services with an expired license for the past two years. The inspection also revealed that four employees had been providing manicuring services without a valid license. The four employees who had provided manicuring services without a valid license were: Hien Huynh, Cam Van Nguyen, Lai Nguyen, and Ly Tran.
10. Records obtained for all five salons from Tran's Certified Public Accountant, reveals that the following employees received Wage and Tax Statements (W-2) during the time they were not licensed: Mai T. Do; Thu Thao or Thao Thu; Buu-Hiep Q. Hoang; Hanh Hong Le; Loan Lu; Linh H. Pham; Thanh T. Ton; Ly Tran; and Dang Vu.
11. According to the Department of Regulation and Licensing records, the status of Yen Hong Vo (license # 085 002806) and Timothy Cao (license #085 002958) have been changed from expired to active as of October 4, 2002. Both licenses are current through 06/30/05.
12. In resolution of this matter, **Lee Nails, Pro Nails, LA Nails, Capitol Nail Salon and Magical Nails** 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 **Lee Nails, Pro Nails, LA Nails, Capitol Nail Salon, and Magical Nails**, have violated:

- a. Wisconsin Statutes section 454.04(1)(d), and Wisconsin Administrative Code sections 2.06(4) and BC 2.04(1) by authorizing unlicensed employees to provide services to clients.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **LA Nails** shall pay to the Department of Regulation and Licensing **FORFEITURE** in this matter in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**.

IT IS FURTHER ORDERED, that Respondent **Capitol Nails** shall pay to the Department of Regulation and Licensing a **FORFEITURE** in this matter in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**.

IT IS FURTHER ORDERED, that Respondent **Magical Nails** shall pay to the Department of Regulation and Licensing a **FORFEITURE** in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

IT IS FURTHER ORDERED, that all Respondents, pay to the Department of Regulation and Licensing **COSTS** of in this matter in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)**,

IT IS FURTHER ORDERED, that a down payment of **ONE THOUSAND DOLLARS (\$1,000.00)** shall be submitted thirty (30) days from the date of this order and four payments of **THREE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$3,250.00)** will be due every four months from the date of this order until the full **FOURTEEN THOUSAND DOLLARS (\$14,000.00)** 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 Respondents fail to timely submit payments as set forth above, the Manicuring Establishment licenses of **Lee Nails, Pro Nails, LA Nails, Capitol Nail Salon, and Magical Nails, SHALL BE SUSPENDED**, without further notice or hearing, until respondents have complied with the terms of this Order.

IT IS FURTHER ORDERED, that files, **01 BAC 101, 02 BAC 101, 02 BAC 102, 02 BAC 103, 02 BAC 104** are hereby closed.

Dated this 2nd day of August, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer