

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**
RICHARD NGO, :
RESPONDENT. : **LS0408024BAC**

Division of Enforcement Case File #: 02 BAC 112

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

Richard Ngo
1530 Thunderbird Mall
Menomonie, WI 54751

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. **Richard Ngo** (Ngo), date of birth 03/18/73, is licensed in the State of Wisconsin as a Manicurist having license #85-5. This license was first granted to him on 01/21/03 and is current through 6/30/05. Respondent's last reported address on file with the Department of Regulation and Licensing is 1530 Thunderbird Mall, Menomonie, WI 54751.
2. **City Nails & Tanning** located at 1530 Thunderbird Mall, Menomonie, WI 54751, is duly licensed as a Manicuring Establishment in the State of Wisconsin having license #71 2453. This license was first granted to the establishment on 04/13/03 and is current through 6/30/05.
3. As owner, Ngo was, and is at all times relevant to this action responsible for compliance with Wisconsin Statute, Chapter 101 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapter 2.
4. On or about February 17, 2004, an inspection of City Nails & Tanning was performed by an investigator from the Department of Regulation and Licensing (Department). The inspection did not reveal any sanitation violations. During the inspection, Ngo admitted that he has been the owner of City Nails & Tanning for about one year.
5. On May 26, 2003, the Department of Regulation and Licensing received a renewal notice from Ngo. The renewal notice was for the establishment license of City Nails & Tanning.
6. On or about June 17, 2003, the Department notified Ngo that because he was the new owner of City Nails & Tanning, the establishment license could not be renewed, instead a new establishment application had to be completed and a new establishment license obtained.

license had to be issued. The Department did not receive a response from Ngo.

7. On June 26, 2003, without receiving a new establishment license application from Ngo, the Department, in error, renewed City Nails & Tanning establishment license and forwarded a copy of the renewed license to Ngo.

8. On or about March 30, 2004, a second notice was sent to Ngo again explaining the requirement for a new establishment license for City Nails & Tanning. Ngo submitted, to the Department, a completed application for a new establishment license and was issued on April 13, 2004.

9. In resolution of this matter, **Richard Ngo** 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. 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. Respondent **Richard Ngo** has violated:

a. Wisconsin Statutes sections 454.15 (2)(i) and 454.08 (1)(a) and Administrative Code sections BC 2.045 (1), 3.01(1), 3.04(1) and 3.06(1), by providing manicuring services outside of a licensed establishment between the time he became the owner of City Nails & Tanning and the time he notified the Department of the new ownership.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Richard Ngo** shall pay to the Department of Regulation and Licensing a forfeiture of **SIX HUNDRED DOLLARS (\$600.00)**.

IT IS FURTHER ORDERED, that Respondent **Richard Ngo**, pay costs in this matter in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**.

IT IS FURTHER ORDERED, that a down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within thirty (30) days from the date of this order and two payments of **THREE HUNDRED DOLLARS (\$300.00)** will be due every three months until the full **EIGHT HUNDRED FIFTY-DOLLARS (\$850.00)** is paid. Payments shall be made by **certified 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 **Richard Ngo** fails to timely submit payment of the forfeiture and costs as set forth above, his Manicuring License #85-5120 **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, **02 BAC 112** be, and hereby is, closed.

Dated this 2nd day of August, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

