

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**
HUU VAN NGUYEN, AND :
HUDSON NAILS :
RESPONDENTS. : **LS0410042BAC**

Division of Enforcement Case #03 BAC 109

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

Huu Van Nguyen
8361 9th St. N.
Oakdale, MN 55128

Hudson Nails
2121 Coulee Road
Hudson, WI 54016

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. **Huu Van Nguyen's** date of birth is 06/04/60, his current address is 8361 9th St., Oakdale MN. Huu Van Nguyen is licensed in the State of Wisconsin as a manicurist, having license # 85 4176. This license was first granted to him on 05/31/00 and is current through 06/30/05.
2. Huu Van Nguyen is listed as the owner of **Hudson Nails** which is located at 2121 Coulee Road, Hudson, WI. Hudson Nails is licensed as a manicuring establishment in the State of Wisconsin having license # 71 1825. This license was first granted to the establishment on 02/23/01 and is current through 06/30/05.
3. As owner, **Huu Van Nguyen** was and is at all times relevant to this action responsible for compliance with Wisconsin Statute, Chapter 454 and Chapters 2 and 4 of the Wisconsin Administrative Code for Barbering and Cosmetology.
4. On or about June 2, 2003, the Department of Regulation and Licensing took disciplinary action against Hudson Nails and Huu Van Nguyen as a result of having three unlicensed manicurists providing services to clients (case file # 02 BAC 081). Huu Van Nguyen was ordered to pay a forfeiture in the amount of \$3,000.00.

5. On or about February 17, 2004, an inspection of Hudson Nails was performed by an investigator from the Department of Regulation and Licensing. During the investigation, the investigator found Be T. Nguyen and Loan Thi Nguyen providing services to clients without a manicurist license.
6. The February 17, 2004, inspection also revealed that dirty disposable nail files were not being disposed of properly.
7. Department records show that Be T. Nguyen and Loan Thi Nguyen were granted manicurist licenses on April 22, 2004.
8. In resolution of this matter, **Huu Van Nguyen and Hudson 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 **Hudson Nails and Huu Van Nguyen**, 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.
 - b. Wisconsin Administrative Code sections BC 4.01(1) by failing to properly dispose of dirty disposable nail files.

ORDER

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

IT IS FURTHER ORDERED, that **Huu Van Nguyen's** license to practice as a Manicurist in the state of Wisconsin be hereby is, **SUSPENDED** for a period of ten days, commencing on the effective date of this Order.

IT IS FURTHER ORDERED, that Respondent **Huu Van Nguyen** shall pay to the Department of Regulation and Licensing **FORFEITURE** in this matter in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**.

IT IS FURTHER ORDERED, that Respondent **Huu Van Nguyen**, pay to the Department of Regulation and Licensing **COSTS** in this matter in the amount of **SEVEN HUNDRED DOLLARS (\$700.00)**.

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 a payment of **ONE THOUSAND SEVEN HUNDRED DOLLARS (\$1,700.00)** will be due four months from the date of this order. 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 Manicure Establishment license of **Hudson Nails** and the Manicurist License of **Huu Van Nguyen**, **SHALL BE SUSPENDED**, without further notice or hearing, until respondents have complied with the terms of this Order.

IT IS FURTHER ORDERED, that files, **03 BAC 109** is hereby closed.

Dated this 4th day of October, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer