

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 |
| THUHUONG T. NGO, | : | LS0412064BAC |
| FIRST LADY NAILS | : | |
| RESPONDENTS. | : | |

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

Thuhuong T. Ngo
5630 South 108th Street
Hales Corners, WI 53130

First Lady Nails
5630 South 108th Street
Hales Corners, WI 53130

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. **First Lady Nails**, is licensed as a manicuring establishment in the State of Wisconsin having license # 071 002111. This license was first granted to the establishment on 09/24/02 and is current through 06/30/05.
2. **First Lady Nails** most recent address on file with the Department of Regulation and Licensing (“Department”) is 5630 South 108th Street, Hales Corners, Wisconsin.
3. **Thuhuong T. Ngo**, date of birth 08/28/65, is the listed owner of **First Lady Nails**. According to Department Records, **Thuhuong T. Ngo** is licensed as a manicurist in the State of Wisconsin having license #085 004493. This license was first granted to her on 03/28/01 and is current through 06/30/05.
4. **Thuhuong T. Ngo’s** most recent address on file with the Department of Regulation and Licensing (“Department”) is 5630 South 108th Street, Hales Corners, Wisconsin.
5. As owner, **Thuhuong T. Ngo** was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2 and 4.
6. On or about October 1, 2003, a customer with an existing nail fungus was provided manicuring services. The

customer's nail file and buffer were kept in a personalized box and were sanitized; however, the customer would have fungus killer applied to the existing fungus. A physician had not been contacted prior to applying the fungus killer to the fungus.

7. On or about June 22, 2004, an inspection of **First Lady Nails** was performed by an investigator from the Department. The inspection revealed that Hai Nguyen was providing manicuring services with an expired manicurist license. Hai Nguyen's manicurist license (#085 002637) had expired July 9, 2001. Hai Nguyen's license status was changed from expired to active on June 26, 2004 and is current through June 30, 2005.

8. The inspection also revealed that First Lady Nails was using common acrylic powder bowls and liquid acrylic bowls to dispense products. The bowls were not being cleaned between customers and the unused portions were not being discarded. The inspection also revealed that the barbicide was only being changed two to three times a week.

9. In resolution of this matter, **First Lady Nails and Thuhuhong T. Ngo** consent 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 Wis. Stats. Sec. 454.15,

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

3. Respondents **Thuhuhong T. Ngo and First Lady Nails**, have violated:

- a. Wisconsin Stats sec. 454.04(1)(d) and Wis. Administrative Code BC sec. 2.04 (1) by permitting a employee to provide manicuring services without a current license;
- b. Wisconsin Administrative Code BC sec. 2.02(1) by applying a fungus killer to a customer without the direction of a physician.
- c. Wisconsin Administrative Code BC sec. 4.02 (2)(5) by failing to properly dispense of products;
- d. Wisconsin Administrative Code BC sec. 4.10(1)(b) by failing to change barbicide daily.

ORDER

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

IT IS FURTHER ORDERED, that Respondents shall pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00)**.

IT IS FURTHER ORDERED, that Respondents, pay costs in this matter in the amount of **SIX HUNDRED DOLLARS (\$600.00)**.

IT IS FURTHER ORDERED, that a down payment of **TWO HUNDRED DOLLARS (\$200.00)** shall be submitted thirty (30) days from the date of this order and four payments of **FOUR HUNDRED TWENTY-FIVE DOLLARS (\$425.00)** be due every three months until the full **ONE THOSAND NINE HUNDRED DOLLARS** 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 of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event **Thuhuhong T. Ngo and First Lady Nails** fails to timely submit payment of the forfeiture and partial costs as set forth above, **Thuhuhong T. Ngo's** Manicurist License # 085 004493 and **First Lady Nails** Manicuring Establishment License # 071 002111 **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 their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 03 BAC 110 be, and hereby is, closed as to **Thuhuhong T. Ngo and First Lady Nails**.

Dated this 6th day of December, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer