

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
MY TRANG T. NGUYEN D/B/A : FINAL DECISION AND ORDER
US NAILS, : LS0412065BAC
RESPONDENTS :

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

My Trang T. Nguyen
1962 Sun Valley Drive
Beloit, WI 53511

US Nails
2787D Milwaukee Road
Beloit, WI 53511

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. My Trang T. Nguyen (Date of Birth: November 21, 1964), 1962 Sun Valley Drive, Beloit, WI 53511, is duly licensed as a manicurist in the state of Wisconsin (license #85-4955). This license was first granted on July 22, 2002, and is current through June 30, 2005.
2. US Nails, 2787D Milwaukee Road, Beloit, WI 53511, is duly licensed as a manicuring establishment in the state of Wisconsin (license #71-2152). This license was first granted on November 25, 2002 and is current through June 30, 2005. My Trang T. Nguyen is listed with the Department of Regulation and Licensing as the owner of US Nails. As owner of a licensed manicuring establishment, Ms. Nguyen was responsible for compliance with Ch. 454, Stats., and Wisconsin Administrative Code Chs. BC 2, 3 and 4.
3. An inspection of US Nails by an Investigator of the Department of Regulation and Licensing on April 7, 2004, revealed bottles and cans of Diamond Liquid nail acrylic containing methyl methacrylate (MMA) located in a storage room. Ms. Nguyen later admitted to the Investigator that the Diamond Liquid was used for acrylic nails. The inspection also revealed dirty nail files, nail blocks and drill covers stored in drawers with clean disposable files. Reusable manicuring implements stored in drawers contained nail debris. There was no copy of the required blood exposure protocol posted in the establishment.
4. In resolution of this matter, My Trang T. Nguyen d/b/a US 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, 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 the conduct referred to in ¶ 4, above, My Trang T. Nguyen d/b/a US Nails violated:
 1. Sec. 454.15(2)(i), Stats., which provides for any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454;
 2. Wis. Admin. Code Sec. BC 2.03(5), which requires that licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.
 3. Wis. Admin. Code Sec. BC 2.03(9), which forbids licensees from using methyl methacrylate monomer, commonly referred to as MMA in liquid form, and licensees may not use any cosmetic or nail product formulated with MMA as one of its ingredients.
 4. Wis. Admin Code Sec. BC 2.08(1)(a), which states that licensees holding current licenses shall be responsible for compliance with the sanitation and safety precautions contained in Ch. BC 4.
 5. Wis. Admin. Code Sec. BC 3.01(1) which calls for licensees to maintain the establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, in good repair and maintained in an orderly and sanitary condition.
 6. Wis. Admin. Code Sec. BC 4.01(1) which mandates that all areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.
 7. Wis. Admin. Code Sec. BC 4.01(3) which calls for powder puffs, sponges, and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water shall be disposed of following each use.
 8. Wis. Admin. Code Sec. BC 4.01(7) which requires all other equipment and instruments shall be clean to sight and touch.
 9. Wis. Admin. Code Sec. BC 4.02(4) which mandates that 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.
 10. Wis. Admin. Code Sec. BC 4.05(2) which requires that a licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in sub. (1). The protocol shall be posted in a place conspicuous to licensees.
 11. Wis. Admin Code Sec. BC 4.10(1) requires that prior to use, all reusable manicure instruments shall be disinfected.
 12. Wis. Admin. Code BC 4.10(4) indicates that 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 My Trang T. Nguyen d/b/a US Nails, shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND TWO HUNDRED dollars (\$1,200.00). My Trang T. Nguyen d/b/a US Nails shall also pay partial costs in the amount of FIVE HUNDRED dollars (\$500.00) in this matter. 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 My Trang T. Nguyen d/b/a/ US Nails fails to timely submit any payment of the forfeiture as set forth above, the establishment license of US Nails (#71-2152) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer
A Member of the Board Date

12-6-04