

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
	:
BAY VAN DUONG, HOLLYWOOD NAILS RESPONDENTS	:LS0506064BAC

Division of Enforcement Case File #: **02 BAC 109**

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Bay Van Duong
1256 6th Street
Beloit, WI 53511

Hollywood Nails
2900 Deerfield Dr. #1
Janesville, WI 53546

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. Hollywood Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001847. This license was first granted on 05/01/01.
2. Hollywood Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 2900 Deerfield Road #1, Janesville, Wisconsin 53546.
3. Bay Van Duong, date of birth 12/31/69, is the listed owner of Hollywood Nails. According to Department Records, Mr. Duong is licensed as a manicurist in the State of Wisconsin having license # 085 004131. This license was first granted to Mr. Nguyen on 04/20/00.
4. Mr. Duong’s most recent address on file with the Department is: 1256 6th Street, Beloit, WI 53511.
5. As owner, Mr. Duong 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 January 26, 2005, an inspection of Hollywood Nails was performed by an investigator from the

Department. The inspection revealed the following violations:

two employees were discovered providing manicuring services without manicuring licenses;

unclean reusable manicuring instruments were found at three different workstations;

barbicide solution was not being changed daily.

7. In resolution of this matter, Bay Van Duong and Hollywood Nails consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5),
3. Respondents Bay Van Duong and Hollywood Nails, have violated:
 - a. Wisconsin Stat. §§ 454.04 (1)(d) and Wisconsin Administrative Code § BC 2.04(1) by allowing two employees to provide unlicensed manicuring services;
 - b. Wisconsin Administrative Code §§ BC 4.02 (1) and 4.10 (1) by failing to disinfect and sterilize reusable manicuring instruments;
 - c. Wisconsin Administrative Code § BC 4.10 (2) by failing to change barbicide on a daily basis;

ORDER

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

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND TWO HUNDRED DOLLARS (\$2,200.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **THREE HUNDRED DOLLARS (\$300.00)**.

IT IS FURTHER ORDERED, that a down payment of **SIX HUNDRED TWENTY-FIVE DOLLARS (\$625.00)** be submitted within thirty (30) days from the date of this order and three payments of **SIX HUNDRED TWENTY-FIVE DOLLARS (\$625.00)** will be due every three months from the date of the order until the full **TWO THOUSAND FIVE 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 Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event that Bay Van Duong and Hollywood Nails fails to timely submit payment of the forfeiture and costs as set forth above, Bay Van Duong's Manicurist License #085 004131 and Hollywood Nails Manicuring Establishment license #071 001847 **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 has 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, 02 BAC 109 be, and hereby is, closed as to all Respondents.

Dated this 6th day of June, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer