

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
	:
TAN NGOC NGUYEN,	:
LA NAILS	:
RESPONDENTS	: LS0506066BAC

Division of Enforcement Case File #: 03 BAC 054 and 03 BAC 082

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

Attn: Tan Ngoc Nguyen
LA Nails
2410 Rose Street
La Crosse, WI 54603

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. LA Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001894. This license was granted on 06/21/01.
2. LA Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 2410 Rose Street, La Crosse, WI 54603.
3. Tan Ngoc Nguyen, date of birth 03/02/73, is the listed owner of LA Nails. According to Department Records, Mr. Nguyen is licensed as a manicurist in the State of Wisconsin having license # 085 004604. This license was first granted to Mr. Nguyen on 07/20/01.
4. Mr. Nguyen’s most recent address on file with the Department is: 2807 Lakeshore Drive #7, La Crosse, Wisconsin 54603.
5. As owner, Mr. Nguyen 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 May 8, 2003, the Department received a complaint alleging that LA Nails was using the nail acrylic of methyl methacrylate monomer (MMA) in their salon. On or about July 31, 2003, the Department received another complaint alleging the same allegation.

7. On or about February 19, 2004, an inspection of LA Nails was performed by a Department investigator. The investigator observed two individuals, Hao Huynh and Quan H. Huynh, to be performing manicuring services. According to Department records, neither Hao Huynh nor Quan H. Huynh are licensed as manicurists in the State of Wisconsin.

8. The February 19, 2004 inspection also revealed the following sanitation violations:

clean and dirty contact equipment were being stored in the same container in a workstation drawer;
used disposable files and nail dust were found in a workstation drawer;
used and clean disposable nail files were mixed in with each other in the workstation cart next to the pedicure spa;
Hao Huynh was observed by the investigator going back and forth between two clients without washing her hands first.

9. The February 19, 2004 inspection also revealed that the nail acrylic being utilized by the salon contained ethyl methacrylate (EMA) and not MMA.

10. In resolution of this matter, Tan Ngoc Nguyen and LA Nails consent 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 Tan Ngoc Nguyen and LA Nails, have violated:

- a. Wis. Stat. §§ 454.04 (1)(d) and Wisconsin Administrative Code § BC 2.04(1) by allowing two individuals to provide unlicensed manicuring services;
- b. Wisconsin Administrative Code § BC 4.01(1) by failing to maintain all areas of the establishment in a clean, sanitary and safe condition;
- c. Wisconsin Administrative Code § BC 4.01(2) by permitting employees to provide services to patrons before first washing their hands;
- d. Wisconsin Administrative Code § BC 4.01(4) by failing to keep clean and disinfected contact equipment in one or more covered containers.

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 FOUR HUNDRED DOLLARS (\$2,400.00)**.

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

IT IS FURTHER ORDERED, that a down payment of **ONE THOUSAND DOLLARS (\$1,000.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **ONE THOUSAND DOLLARS (\$1,000.00)** will be due every three months from the previous payment until the full **THREE THOUSAND DOLLARS (\$3,000.00)** is paid. Pay

shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and ser
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 Tan Ngoc Nguyen and LA Nails fails to timely submit payment of the forfeiture and costs as set forth above, Tan Ngoc Nguyen's manicuring license (#085 004604) and the establishment license for LA Nails (# 071 001894) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said 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 files, 03 BAC 054 and 03 BAC 082, and hereby are, closed as to all Respondents.

Dated this 6th day of June, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer