

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
:
PERFECT NAILS,
VIET HOANG NGUYEN : LS0506067BAC

Division of Enforcement Case File #: 04 BAC 044

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

Viet Hoang Nguyen
1384 Brooks Lane
Oshkosh, WI 54904

Perfect Nails
1020 S. Koeller
Oshkosh, WI 54901

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. Perfect Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001669. This license was first granted on 05/22/00.
2. Perfect Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 1020 S. Koeller, Oshkosh, Wisconsin 54901.
3. Viet Hoang Nguyen, date of birth 04/02/64, is the listed owner of Perfect Nails. According to Department Records, Mr. Nguyen is licensed as a manicurist in the State of Wisconsin having license # 085 004167. This license was first granted to Mr. Nguyen on 05/22/00.
4. Mr. Nguyen’s most recent address on file with the Department is: 1384 Brooks Lane, Oshkosh, WI 54904.
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, 3, and 4.

6. On or about December 15, 2004, an inspection of Perfect Nails was performed by two investigators from the Department. The inspection revealed the following sanitation violations:

price listing posted for waxing and cosmetic make-up services in an establishment that has neither a barbering and cosmetology establishment license nor an aesthetics establishment license;

nail clippings found throughout the salon on the floor;

disposable nail files and buffers being used more than once;

barbicide solution not being changed daily.

9. In resolution of this matter, Viet Hoang Nguyen and Perfect 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 Viet Hoang Nguyen and Perfect Nails, have violated:

- a. Wisconsin Stat. §§ 454.04 (1)(b); 454.08(2)(a)(b); and Wisconsin Administrative Code §§ BC 2.04(1); 2.045(1); and 3.01 by posting waxing services and cosmetic make-up services without having an barbering and cosmetology establishment license or an aesthetics establishment license;
- b. Wisconsin Administrative Code § BC 4.01(1) by failing to maintain the establishment in a clean, sanitary, and safe condition.
- c. Wisconsin Administrative Code § BC 4.10(4) by using disposable manicuring instruments more than once;
- d. 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 THREE HUNDRED DOLLARS (\$2,300.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay 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 within thirty (30) days from the date of this order and another payment of **TWO THOUSAND DOLLARS (\$2,000.00)** will within four months from the date of the order until the full **THREE THOUSAND DOLLARS** is paid. Payments shall be made **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 53708-89**.

IT IS FURTHER ORDERED, that in the event that Viet Hoang Nguyen and Perfect Nails fails to timely submit payment of the forfeiture and costs as set forth above, Viet Hoang Nguyen's Manicurist License #085 004167 and Perfect Nails Manicuring Establishment license #071 001669 **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, 04 BAC 044 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