

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	
	:	
KATTY NGUYEN,	:	LS0509123BAC
FANCY NAILS	:	
	:	
RESPONDENTS	:	

Division of Enforcement Case File #: 05 BAC 005

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

Attn: Katty Nguyen
Fancy Nails
D-400 Wausau Center
Wausau, WI 54403

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

PROCEDURAL HISTORY

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. Fancy Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 002626. This license was granted on 01/26/05.
2. Fancy Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: D-400 Wausau Center, Wausau, Wisconsin 54403.
3. Katty Nguyen, date of birth 01/16/79, is the listed owner of Fancy Nails. According to Department Records, Ms. Nguyen is licensed as a manicurist in the State of Wisconsin having license # 085 005744. This license was first granted to Ms. Nguyen on 07/12/04.
4. Ms. Nguyen’s most recent address on file with the Department is: 1005 Oriole Lane, Wausau, Wisconsin 54401.
5. As owner, Ms. 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 February 5, 2005, the Department received a complaint alleging that Fancy Nails manicurists were not disinfecting their manicuring equipment on a daily basis. As a result, the Complainant alleged that she had contracted a nail fungus from Fancy Nails.

7. On or about April 12, 2005, an inspection of Fancy Nails was performed by an investigator with the Department. The inspection revealed the following sanitation violations:

- reusing nail files and buffers that should have been disposed of after first use;
- using a common liquid polymer bowl on multiple clients;
- failing to adequately clean pedicure spas between clients;
- failing to clean hair brushes adequately between clients; and
- failing to sanitize nail clippers and implements between clients.

8. In resolution of this matter, Katty Nguyen and Fancy 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 Katty Nguyen and Fancy Nails have violated:
 - a. Wis. Stat. § 452.15(2)(c) and Wis. Admin. Code §§ BC 2.03 (1) and 4.01(1) by failing to keep the establishment in a clean, safe, and sanitary condition; and
 - b. Wis. Admin. Code §§ BC 4.02 (2)(3)(4)(5) (8) by failing to properly disinfect hair brushes used on clients and failing to dispense of liquids in a manner which will prevent contamination of the unused portion of the substance.

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 **FIVE HUNDRED DOLLARS (\$500.00)**.

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 **FIVE HUNDRED FIFTY DOLLARS (\$550.00)** shall be due within thirty (30) days from the date of this order and one more payment of **FIVE HUNDRED FIFTY DOLLARS (\$550.00)** due in three months from the previous payment until the full **ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00)** 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) 261-7904
Fax (608) 266-2264

IT IS FURTHER ORDERED, that in the event that Katty Nguyen and Fancy Nails fail to timely submit payment of the forfeiture and costs as set forth above, Katty Nguyen's manicuring license (#085 005744) and the establishment license for Fancy Nails (# 071 001884) **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 file 05 BAC 005, be and hereby is, closed as to all Respondents.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer