

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

**THU HA PHAM, :
NAIL TOUCH :** **LS0509126BAC**

RESPONDENTS

Division of Enforcement Case File #: **03 BAC 102**

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

Attn: Thu Ha Pham
Nail Touch
3186 London Road
Eau Claire, WI 54701

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. Nail Touch is licensed as a manicuring establishment in the State of Wisconsin having license #071 002058. This license was granted on 04/29/02.
2. Nail Touch's most recent address on file with the Department of Regulation and Licensing ("Department") is: 3186 London Road, Eau Claire, Wisconsin 54701.
3. Thu Ha Pham, date of birth 06/30/72, is the listed owner of Nail Touch. According to Department Records, Ms. Pham is licensed as a manicurist in the State of Wisconsin having license # 085 004711. This license was first granted to Ms. Pham on 11/09/01.
4. Ms. Pham's most recent address on file with the Department is: 611 Walden Court #B, Altoon, Wisconsin 54720.
5. As owner, Ms. Pham 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 September 17, 2003, the Department received a complaint alleging that Nail Touch employed

unlicensed manicurists and that the salon was not being kept in a clean, sanitary and safe condition.

7. During the dates of February 17 and 18, 2004, inspections of Nail Touch were performed by an investigator with the Department. The investigator observed that there were a total of six workstations in the salon. Ms. Pham stated that four of the six workstations were actually being utilized. Ms. Pham admitted that one of her manicurists, Vu Nguyen, did not have a license to provide manicuring services. Department records validated Ms. Pham's admission that Vu Nguyen did not have a manicurist license to provide manicuring services.

8. The February 17, 2004 inspection also revealed the following sanitation violations:

the workstations were unclean with nail dust in the drawers and on the tabletops;

an aerosol can of Raid Ant & Roach Killer was noted in an unlocked cabinet in the public restroom.

9. In resolution of this matter, Thu Ha Pham and Nail Touch 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 Thu Ha Pham and Nail Touch have violated:

- a. Wis. Stat. §§ 454.04 (1)(a)(d) and Wisconsin Administrative Code § BC 2.04(1) by allowing an individual to provide unlicensed manicuring services;
- b. Wisconsin Administrative Code § BC 3.01(6) by failing to place a poisonous substance in a locked cabinet or closet;
- c. Wisconsin Administrative Code § BC 4.01(1) by failing to maintain all areas of the establishment in a clean, sanitary and safe condition.

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 **ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00)**.

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 **NINE HUNDRED DOLLARS (\$900.00)** shall be submitted thirty (30) days from the date of this order and one more payment of **NINE HUNDRED DOLLARS (\$900.00)** will due in twelve (12) months from the previous payment until the full **ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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 Thu Ha Pham and Nail Touch fails to timely submit payment of the forfeiture and costs as set forth above, Thu Ha Pham's manicuring license (#085 004711) and the establishment license for Nail Touch (# 071 002058) **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 03 BAC 102, and hereby are, closed as to all Respondents.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer