

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
	:	
STAR NAILS AND	:	
DUNG Q. NGUYEN	:	
RESPONDENTS.	:	LS0509127BAC

Division of Enforcement Case No. 03 BAC 068

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

Star Nails
Dung Q. Nguyen
442 W. Sunset Dr.
Waukesha, WI 53189

Dung Q. Nguyen
1119 E. New Hall Ave.
Waukesha, WI 53186

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. Star Nails is licensed in the State of Wisconsin as a Manicuring Establishment having license # 71 1862. This license was first granted on 05/15/01.
2. The most recent address on file with the Department of Regulation and Licensing (“Department”) for this establishment is: 442 W. Sunset Drive, Waukesha, WI 53189.
3. Dung Q. Nguyen, (“Nguyen”) is the listed owner of Star Nails. As owner, Nguyen was at all times relevant to this action responsible for compliance with Wis. Stat. chapter 454 and Wis. Adm. Code chapters BC 2, and BC 4.
4. Nguyen is licensed in the State of Wisconsin as a Manicurist having license # 85 4356. This license was first

granted on 12/01/00.

5. The most recent address on file with the Department is: 1119 E. New Hall Avenue, Waukesha, WI 53186.

6. On May 6, 2005, an investigator from the Department performed an inspection at Star Nails. During the inspection the investigator noticed a note book at the reception counter that listed a person named "Phuc". Nguyen admitted that Phuc was providing polish changes but was not licensed.

7. During the inspection on May 6, 2005, the investigator also found:

a sign, advertising waxing services but those services were no longer being performed;
used disposable nail files at two workstations; and

Licensee Timothy Doan performing services without his manicuring license being posted.

8. At the conclusion of the inspection on May 6, 2005, the investigator issued an Order to Correct to respondents, requesting that respondents take the following corrective measures by May 15, 2005:

Maintain salon in clean and sanitary condition;

Phuc cannot provide polish changes or any other manicuring services without a Wisconsin license;
Remove waxing service sign; and

Timothy Doan must post his manicuring license.

9. On May 9, 2005, Nguyen mailed the Order to Correct to the investigator which indicated that all used nail files have been discarded, Phuc was terminated on May 4, 2005, sign advertising waxing services has been removed, and Timothy Doan will post his license when he returns to work.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondents Star Nails and Dung Q. Nguyen have violated:

- a. Wis. Stat. § 454.04(1)(d); Wis. Administrative Code §§ BC 2.04(1) and BC 2.06(1) by authorizing an unlicensed employee to provide services to clients;
- b. Wis. Administrative Code § BC 4.01(1) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition.
- c. Wis. Administrative Code § BC 4.10(4) by failing to dispose of instruments that cannot be cleaned and disinfected or sterilized after each use.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondents Star Nails and Dung Q. Nguyen submit to the following:

1. Respondents shall, jointly and severally pay COSTS in the amount of \$400.00 within 60 days of the date of this Order.
2. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$600.00 within 60 days of the date of this Order.

Payment 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

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondent's licenses **SHALL BE SUSPENDED** without further notice or hearing until Respondents have complied with the terms of this Order. [\[smg1\]](#)

4. This Order is effective on the date of its signing.

IT IS FURTHER ORDERED, that file, 03 BAC 068 is hereby closed as to all Respondents.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer

[\[smg1\]](#) This section should be the standard summary suspension provision: **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**