

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
CLARENCE D. NGUYEN and	:	
CINDY LE NGUYEN D/B/A	:	FINAL DECISION AND ORDER
NAILS WORLD,	:	LS0512051BAC
RESPONDENTS	:	
	:	

Division of Enforcement Case File Number: 04 BAC 021

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Clarence D. Nguyen
3002 South Business Drive
Sheboygan, WI 53081

Cindy Le Nguyen
3002 South Business Drive
Sheboygan, WI 53081

Nails World
3002 South Business Drive
Sheboygan, WI 53081

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Clarence D. Nguyen (Date of Birth: November 15, 1971), 3002 South Business Drive, Sheboygan WI 53081, is duly licensed as a manicurist in the state of Wisconsin (license #85-5093). This license was first granted on December 17, 2002, and is current through June 30, 2007.
2. Cindy Le Nguyen (Date of Birth: March 6, 1975), 3002 South Business Drive, Sheboygan WI 53081, is duly licensed as a manicurist in the state of Wisconsin (license #85-5114). This license was first granted on January 6, 2003, and is current through June 30, 2007.

3. Nails World, 3002 South Business Drive, Sheboygan WI 53081, is duly licensed as a manicuring establishment in the state of Wisconsin (license #71-2307). This license was first granted on August 8, 2003, and is current through June 30, 2007. Clarence D. Nguyen and Cindy Le Nguyen are listed with the Department of Regulation and Licensing as the owners of Nails World. As owners of a licensed manicuring establishment, Mr. Nguyen and Ms. Nguyen were responsible for compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.

4. An inspection of Nails World by Investigator Candace Bloedow of the Department of Regulation and Licensing on July 14, 2004, revealed containers of nail acrylic containing methyl methacrylate (MMA). The odor of MMA was also present in the establishment. The inspection also found used nail files stored in drawers with clean disposable files, no bandages or gloves at the work stations, and poisonous substances stored in an unlocked cabinet.

5. Investigator Bloedow also found during the July 14, 2004, inspection also found that Thanh Tran and Bang Hue Tien were providing manicuring services at Nails World to the public while unlicensed as manicurists.

6. In resolution of this matter, Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. Sec. 227.44(5).

3. By the conduct referred to in the above Findings of Fact, Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World have violated:

1. Wis. Stat. Sec. 454.15(2)(i), which provides that any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
2. Wis. Stat. sec. 454.04(1)(d). No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetology license, manager license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction.
3. Wis. Admin. Code sec. BC 2.03(5), which requires that licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.
4. Wis. Admin. Code sec. BC 2.03(9), which forbids licensees from using methyl methacrylate monomer, commonly referred to as MMA in liquid form, and licensees may not use any cosmetic or nail product formulated with MMA as one of its ingredients.
5. Wis. Admin. Code sec. BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
6. Wis. Admin Code sec. BC 2.08(1)(a), which states that licensees holding current licenses shall be responsible for compliance with the sanitation and safety precautions contained in Ch. BC 4.
7. Wis. Admin. Code sec. BC 3.01(1) which calls for licensees to maintain the establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, in good repair and in an orderly and sanitary condition.

8. Wis. Admin. Code sec. BC 4.01(1) which mandates that all areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.
9. Wis. Admin. Code sec. BC 4.01(3) which requires powder puffs, sponges, and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water to be disposed of following each use.
10. Wis. Admin. Code sec. BC 4.02(4) which mandates that clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected.
11. Wis. Admin. Code sec. BC 4.05(2) which requires that a licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in sub. (1). The protocol shall be posted in a place conspicuous to licensees.
12. Wis. Admin. Code sec. BC 4.10(4) indicates that manicure instruments that can't be cleaned and disinfected or sterilized shall be disposed of following each use.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World, shall pay to the Department of Regulation and Licensing a forfeiture of THREE THOUSAND ONE HUNDRED dollars (\$3,100.00). Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World shall also pay costs in the amount of FOUR HUNDRED dollars (\$400.00) in this matter. Payment shall be submitted within 90 days from 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
PO Box 8935
Madison, WI 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event Clarence D. Nguyen and Cindy Le Nguyen d/b/a Nails World fail to timely submit any payment of the forfeiture and costs as set forth above, the establishment license of Nails World (#71-2307) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

12-5-05
Date