

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
QUI VAN PHAN. :
4 SEASONS NAILS. : LS0612045BAC
:**

Division of Enforcement Case File #: **06 BAC 020**

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

Qui Van Phan
11029 N. Port Washington Road
Mequon, WI 53092

4 Seasons Nails
11029 N. Port Washington Road
Mequon, WI 53092

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. 4 Seasons Nails are licensed as a manicuring establishment in the State of Wisconsin having license #071 002874. This license was first granted on 02/28/2006.
2. 4 Seasons Nails' most recent address on file with the Department of Regulation and Licensing ("Department") is: 11029 N. Port Washington Road, Mequon, Wisconsin 53092.
3. Qui Van Phan, date of birth 06/08/64, is the listed owner of 4 Seasons Nails. According to Department Records, Mr. Phan is licensed as a manicurist in the State of Wisconsin having license # 085 003697. This license was first granted to Mr. Phan on 01/29/99.
4. Mr. Phan's most recent address on file with the Department is: 4525 W. Brown Deer Road, Brown Deer, Wisconsin 53223.

5. As owner, Mr. Phan 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 and 4.

6. On or about May 4, 2006, an inspection of 4 Seasons Nails was performed by a Department investigator. The inspection revealed the following sanitation violations:

workstation surfaces were not clean due to nail dust residue being present;

used emery boards and nail buffers were found in the workstations and drawers; and were not being disposed of after use on patrons; and

dirty nail clippers were found in the workstations drawers.

7. The Department's investigator observed an employee providing manicuring services to a patron. Department records indicate that the employee had not obtained a Wisconsin manicuring license in order to provide manicuring services.

8. In resolution of this matter, Qui Van Phan and 4 Seasons 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 Qui Van Phan and 4 Seasons Nails, have violated:

- a. Wis. Stat. 454.04(1)(d) and Wis. Admin. Code §§ BC 2.04(1) and 2.045(1) by permitting an unlicensed person to provide manicuring services and;
- b. Wis. Admin. Code § BC 4.01(1) by failing to maintain 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 THREE HUNDRED DOLLARS (\$1,300.00)**.

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 **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted thirty (30) days from the date of this order and three more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due three months from the date of the order until the full **TWO THOUSAND DOLLARS** is paid.

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
Telephone 608-261-7904
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that Qui Van Phan and 4 Seasons Nails fails to timely submit payment of the forfeiture and costs as set forth above, Qui Van Phan's manicurist license #085 003697 and 4 Seasons Nails Manicuring Establishment license #071 002874 **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, 06 BAC 020 be, and hereby is, closed as to all Respondents.

Dated this 4th day of December, 2006.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jennie M. Bush