

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**
KIET A. NGUYEN. :
NAIL CITY II. :
RESPONDENTS. : **LS0-704023BAC**
 :

Division of Enforcement Case File #: **05 BAC 052**

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

Kiet A. Nguyen
5823 W. Capital Drive
Milwaukee, WI 53216

Nail City II
5823 W. Capital Drive
Milwaukee, WI 53216

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. Nail City II is licensed as a manicuring establishment in the State of Wisconsin having license #071 001004. This license was first granted on 09/22/97.
2. Nail City II's most recent address on file with the Department of Regulation and Licensing ("Department") is: 5823 W. Capital Drive, Milwaukee, Wisconsin 53216.
3. Kiet A. Nguyen, date of birth 02/08/72, is the listed owner of Nail City II. According to Department Records, Mr. Nguyen is licensed as a manicurist in the State of Wisconsin having license # 085 002351. This license was first granted to Mr. Nguyen on 03/21/96.
4. Mr. Nguyen's most recent business address on file with the Department is: 5823 W. Capital Drive,

5. As owner, Mr. 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 and 4.

6. On or about April 20, 2006, an inspection of Nail City II was performed by a Department investigator. The inspection revealed that two employees were providing unlicensed manicuring services.

7. The April 20, 2006 inspection also 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.

8. During the April 20, 2006 inspection, the Department's investigator also observed four one gallon bottles of a liquid monomer. The Department would have the liquid monomer tested by the University of Wisconsin-Madison, Chemistry Department. The lab tests results concluded that the four gallon bottles contained methyl methacrylate monomer (MMA).

9. In resolution of this matter, Nail City II and Kiet A. Nguyen 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 Kiet A. Nguyen and Nail City II, have violated:

a. Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by permitting two unlicensed persons to provide manicuring services;

b. Wis. Stat. § 454.15(2)(c)(i) and Wis. Admin. Code § BC 2.03(9) by using a state prohibited substance for manicuring care-methyl methacrylate monomer (MMA) on patrons at Nail City II; and

c. 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 **THREE THOUSAND ONE HUNDRED DOLLARS (\$3,100.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

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 four more payments of **NINE HUNDRED DOLLARS (\$900.00)** will be due

three months from the date of the order until the full **FOUR THOUSAND ONE HUNDRED 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 Kiet A. Nguyen and Nail City II fail to timely submit payment of the forfeiture and costs as set forth above, Kiet A. Nguyen's manicurist license #085 002351 and Nail City II's Manicuring Establishment license #071 001004 **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, 05 BAC 052 be, and hereby is, closed as to all Respondents.

Dated this 2nd day of April, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush