

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**
TAM NGUYEN. :
TUYET T. TRAN. : **LS0704025BAC**
K-NAILS. :
RESPONDENTS. :

Division of Enforcement Case File #: **06 BAC 027**

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

Attn: Tam Nguyen
Attn: Tuyet T. Tran
2061 McCoy Road
Sun Prairie, WI 53590

K-Nails
2061 McCoy Road
Sun Prairie, WI 53590

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. K-Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001910. This license was first granted on 07/11/01.
2. K-Nails' most recent address on file with the Department of Regulation and Licensing ("Department") is:

2061 McCoy Road, Sun Prairie, Wisconsin 53590.

3. Tam Nguyen (d.o.b. 07/27/68), is the listed owner of K-Nails. Department records indicate that Mr. Nguyen is licensed as a manicurist, having license #085 004679. This license was first granted on: 10/03/01.

4. Mr. Nguyen's most recent business address on file with the Department is: 2061 McCoy Road, Sun Prairie, Wisconsin 53590.

5. As an 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 3 and 4.

6. Tuyet T. Tran (d.o.b. 12/17/53) is listed as the responsible licensee of K-Nails. Mr. Tran is licensed as a manicurist having license #085-003244. This license was first granted on 01/21/98.

7. Ms. Tran's most recent business address on file with the Department is: 2061 McCoy Road, Sun Prairie, Wisconsin 53590.

8. As the responsible licensee for K-Nails, Ms. Tran 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 3 and 4.

9. On or about February 28, 2006, the Department received a consumer complaint alleging that unsanitary conditions existed at K-Nails.

10. On or about June 28, 2006, an inspection of K-Nails was performed by a Department investigator. The inspection found the following violations:

licenses for licensees were not posted;

unsanitary nail clippers were observed in the establishment;

Barbicide disinfectant was not being changed on a daily basis;

Common powder and liquid monomer containers were not being kept in a manner that would prevent contamination of the unused portion; and

poisonous substances were not being stored in a locked cabinet.

11. Department records indicate that the Board took formal disciplinary action against Mr. Nguyen on August 5, 2002 (#LS0208052BAC) for failing to keep poisonous substances in a locked cabinet.

12. In resolution of this matter, Tam Nguyen, Tuyet T. Tran, and K-Nails 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 Tam Nguyen, Tuyet T. Tran, and K-Nails, have violated:
- a. Wis. Stat. 454.06(7) by failing to post licensees in the establishment;
 - b. Wis. Admin. Code § 3.01(6) by failing to keep poisonous substances in a locked cabinet.
 - c. Wis. Admin. Code § BC 4.02(1)(2) by failing to maintain sanitary nail clippers for use on patrons;
 - d. Wis. Admin. Code § BC 4.02(5) and 4.10(2) by failing to change Barbicide disinfectant on a daily basis;
and
 - e. Wis. Admin. Code § BC 4.02(4) by failing to properly maintain common powders and liquid monomer in separate containers.

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 **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **EIGHT HUNDRED DOLLARS (\$800.00)**.

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 two more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be due every three months from the date of the order until the full **ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00)** 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 if the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, Tam Nguyen's manicurist license #085 4679, Tuyet T. Tran's manicurist license #085 003244 and K-Nails Manicuring Establishment license #071 001910 **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 027 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

