

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
:
LEE NAILS, AND :
HOA Q. NGUYEN, : LS0709106BAC
RESPONDENTS. :

Division of Enforcement Investigative File # 04 BAC 015

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

Lee Nails
5758 Durand Ave.
Racine, WI 53406

Hoa Q. Nguyen
5728 Evarit Dr.
Racine, WI 53406

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. Lee Nails is licensed in the State of Wisconsin as a Manicuring Establishment having license # 71 3100. This license was first granted on 05/01/07, and is current through 03/31/09.
2. The most recent address on file with the Department of Regulation and Licensing (“Department”) for this establishment is: 5758 Durand Ave., Racine, WI 53406.
3. Hoa Q. Nguyen is licensed in the State of Wisconsin as a Manicurist, license # 85 6652. This license was first granted to him on 01/17/07.
4. The most recent address on file with the Department of Regulation and Licensing for Mr. Nguyen is 5728 Evarit Dr., Racine, WI 53406.

5. Mr. Nguyen is listed with the Department of Regulation and Licensing as the owner of Lee Nails. As owner, Mr. Nguyen was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, and BC 3.

6. On March 23 2007, an investigator from the Department performed an inspection at Lee Nails. During the inspection Mr. Nguyen admitted that the salon was providing aesthetics services to the public. Lee Nails did not have an aesthetician establishment license at the time services were being performed.

7. Respondent notified the investigator that Lee Nails no longer offers aesthetics services to the public so no aesthetician establishment license was obtained.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents Lee Nails, and Hoa Q. Nguyen have violated:

- a. Wis. Stat. § 454.08(2)(b); Wis. Administrative Code §§ BC 2.04(1) by failing to obtain an aesthetician establishment license before providing services to the public;

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents shall, jointly and severally pay COSTS in the amount of \$300.00 within 60 days of the date of this Order.

2. Respondents shall, jointly and severally pay a FORFEITURE in the amount of \$1,000.00 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.

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

IT IS FURTHER ORDERED, that file, 04 BAC 015 is hereby closed as to all Respondents.

Dated this 10th day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush