

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
:
MAI K. NGUYEN AND :
NAILS U LUV : LS0709109BAC
RESPONDENTS. :

Division of Enforcement Case No. 06 BAC 069

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

Mai K. Nguyen
3141 Silverton Trail
Madison, WI 53719

Nails U Luv
410 Westgate Mall
Madison, WI 53711

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. Respondent **Mai K. Nguyen** is licensed in the State of Wisconsin as a Manicurist, license # 85-6282. This license was first granted to her on 01/17/06. The most recent address on file with the Department of Regulation and Licensing for Ms. Nguyen is 3141 Silverton Trail, Madison, WI 53719.

2. Respondent **Nails U Luv** is licensed in the State of Wisconsin as a Manicuring Establishment, license #71-2952. This license was first granted to it on 06/19/06. The most recent address on file with the Department of Regulation and Licensing for this establishment is 410 Westgate Mall, Madison, WI 53711.

3. Ms. Nguyen is listed with the Department of Regulation and Licensing as the owner of Nails U Luv. As owner, Ms. Nguyen was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

4. On March 6, 2007, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Nails U Luv. During the inspection the investigator noted the following:

- Nail acrylic containing methyl methacrylate was found in the storage room;
- Current licenses were not posted;
- Poisonous substances in an unlocked cabinet in the restroom;
- Dirty liquid monomer;
- Dirty metal implements;
- Dirty Barbicide;
- Dirty way; and
- Dirty nail files and nail buffers at several workstations.

5. At the conclusion of the inspection on March 6, 2007, the investigator issued an Order to Correct to Ms. Nguyen, requesting that corrective measures be taken for the above mentioned violations by March 13, 2007.

6. The Order to Correct was returned to the Department and indicated that the violations had been corrected.

CONCLUSIONS OF LAW

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

2. Respondents **Mai K. Nguyen** and **Nails U Luv** have violated:

- a. Wis. Admin. Code § BC 2.03(9) by using nail acrylic containing methyl methacrylate monomer (MMA);
- b. Wis. Admin. Code § BC 2.07(2) by failing to insure that current licenses were posted in the salon;
- c. Wis. Admin. Code § BC 3.01(6) by failing to insure that poisonous substances were out of public areas or in a locked cabinet;
- d. Wis. Admin. Code §§ BC 4.01(1) and BC 4.01(4) by failing to maintain the establishment and the equipment, tools and implements used by licensees in a clean, sanitary and safe condition;
- e. Wis. Admin. Code § BC 4.10(1) by failing to disinfect reusable manicuring instruments;
- f. Wis. Admin. Code § BC 4.10(2) by failing to insure that the disinfectant (Barbicide) was changed daily; and
- g. Wis. Admin. Code § BC 4.10(4) by failing to dispose of instruments that cannot be cleaned and disinfected.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Mai K. Nguyen**, (license # 85-6282), and **Nails U Luv** (license # 71-2952) be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally pay **COSTS** in the amount of **EIGHT HUNDRED DOLLARS (\$800.00)**.

3. Respondents shall, jointly and severally pay a **FORFEITURE** in the amount of **ONE THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$1,950.00)**.

Payment of the costs and forfeitures, which total **TWO THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$2,750.00)**, shall be made according to the following schedule:

| PAYMENT DUE DATE | PAYMENT AMOUNT |
|------------------|----------------|
| November 9, 2007 | \$550.00 |
| February 8, 2008 | \$550.00 |
| May 9, 2008 | \$550.00 |
| August 8, 2008 | \$550.00 |
| November 7, 2008 | \$550.00 |

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) 261-7904, Fax (608) 266-2264

4. 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 Respondents' licenses. 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 Respondents' licenses **SHALL BE SUSPENDED** without further notice or hearing until Respondents have complied with the terms of this Order.

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

IT IS FURTHER ORDERED that file 06 BAC 069 is hereby closed.

Dated this 10th day of September, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush