

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
LONGVAN L. HOANG	:	FINAL DECISION AND ORDER
and NAILS BY VELO,	:	LS#0707191BAC
RESPONDENTS.	:	

Division of Enforcement Case File Numbers 06 BAC 080, 06 BAC 090 and 07 BAC 057

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Longvan L. Hoang
2604 Allen Boulevard
Middleton, Wisconsin 53 562

Nails by Velo
2604 Allen Boulevard
Middleton, Wisconsin 53 562

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed on July 19, 2007.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Barbering and Cosmetology Examining Board. The Barbering and Cosmetology Examining 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. Longvan L. Hoang (Date of Birth is April 26, 1977) is duly licensed as a manicurist in the state of Wisconsin (license #85-4730). This license was first granted on November 9, 2001, and is current through March 31, 2009. The last address reported to the Department of Regulation and Licensing (hereinafter Department) by Mr. Hoang is 2604 Allen Boulevard, Middleton, Wisconsin 53562.

2. Nails by Velo is duly licensed as a manicuring establishment in the state of Wisconsin (license #71-1995). This license was first granted on January 8, 2002, and is current through March 31, 2009. The last address reported to the

Department for Nails by Velo is 2604 Allen Boulevard, Middleton, Wisconsin 53562. Longvan L. Hoang is listed with the Department as the current owner of Nails by Velo. As owner, Mr. Hoang is and was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.

3. An inspection of Nails by Velo by Investigators Kelley Sankbeil and Michelle Krisher of the Department on March 6, 2007, found the following:

- a. inadequate disinfectant levels in containers.
- b. manicurists reusing disposable contact equipment.
- c. a dog present in the manicuring area.
- d. methyl methacrylate monomer (MMA) being used.
- e. metal implements were not being disinfected after each use.
- f. poisonous substances being stored in an unlocked cabinet in a bathroom.
- g. a failure to dispense individual quantities of nail monomer to each customer.

4. During the March 6, 2007, inspection of Nails by Velo, Investigators Sankbeil and Krisher also found Dung Le Bui providing manicuring services to a customer. Ms. Bui did not possess any occupational/professional licensure in the state of Wisconsin at the time of the inspection.

5. On March 19, 2007, Mr. Hoang wrote to the Department. In his letter Mr. Hoang stated that the dog will not be allowed in Nails by Velo during business hours, that disposable manicuring implements would not be reused, that poisonous substances would be kept in a locked cabinet, that metal implements would be disinfected, that all manicurists would have a current license, that container disinfectant levels would change and that monomer and powder would be changed after each customer. Mr. Hoang said that the presence of MMA in Nails by Velo was caused by a mistake from a supply company in Chicago, and he understands that Nails by Velo can't use MMA.

6. In resolution of this matter, Longvan L. Hoang and Nails by Velo consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. Sec. 227.44(5).

3. By conduct referred to in Findings of Fact 4., Longvan L. Hoang and Nails by Velo, have violated Wis. Stats. Sec. 454.04(1)(d). No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetologist license, manager license, temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction.

4. By conduct referred to in Findings of Fact 3. and 4., Longvan L. Hoang and Nails by Velo, have violated Wis. Stat. sec. 454.15(2)(c). Engaged in conduct in the practice of barbering or cosmetology, aesthetics, electrolysis or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.

5. By conduct referred to in Findings of Fact 3. and 4., Longvan L. Hoang and Nails by Velo, have violated Wis. Stat. sec. 454.15(2)(i). Violated this chapter or any rule promulgated under this chapter.

6. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 2.03(9). Licensees may not use methyl methacrylate monomer, commonly referred to as MMA in liquid form, and may not use any cosmetic or nail product formulated with MMA as one of its ingredients.

7. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

8. By conduct referred to in Findings of Fact 3. and 4., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 2.06. The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.

9. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 3.01(6). Poisonous substances stored in public areas shall be locked in a cabinet or closet.

10. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 3.01(10). Pets shall not be kept in an establishment during business hours.

11. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.01(1). All areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.

12. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.01(3). Powder puffs, sponges, and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water shall be disposed of following each use.

13. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.01(4). All liquids, creams, powders and semi-solid substances shall be dispensed from a container in a manner which will prevent contamination of the unused portion of the substance.

14. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.02(1). Unless sterilized, disinfection is required prior to reuse on another patron of any personal care instruments.

15. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.02(5). Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

16. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.10(1). Prior to use, all reusable manicure instruments shall be disinfected.

16. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo, have violated Wis. Admin. Code § BC 4.10(2). Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

17. By conduct referred to in Findings of Fact 3., Longvan L. Hoang and Nails by Velo,

have violated Wis. Admin. Code § BC 4.10(4). Manicure instruments that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Longvan L. Hoang (license number 85-4730) and Nails by Velo (license number 71-1995) are **REPRIMANDED**.

IT IS FURTHER ORDERED that Longvan L. Hoang and Nails by Velo shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of TWO THOUSAND FIVE HUNDRED FIFTY dollars (\$2,550.00). Longvan L. Hoang and Nails by Velo shall also jointly and severally pay costs in the amount of SIX HUNDRED FIFTY dollars (\$650.00) in this matter.

Payment shall be submitted on the following payment schedule:

Due Date	Amount
May 15, 2008	\$320.00
August 15, 2008	\$320.00
November 15, 2008	\$320.00
February 15, 2009	\$320.00
May 15, 2009	\$320.00
August 15, 2009	\$320.00
November 15, 2009	\$320.00
February 15, 2010	\$320.00
May 15, 2010	\$320.00
August 15, 2010	\$320.00

The full remaining amount may be paid at any time prior to each due date for payment.

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
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

In the event that Longvan L. Hoang and Nails by Velo fails to comply with all the terms of the Order as set forth above, the manicurist license of Longvan L. Hoang (#85-4730) and the manicuring establishment license of Nails by Velo (#71-1995) **SHALL BE SUSPENDED**, without further notice or hearing, until Longvan L. Hoang and Nails by Velo have complied with the terms of this Order.

Division of Enforcement Case File Numbers 06 BAC 080, 06 BAC 090 and 07 BAC 057 are hereby closed.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board

2/4/08
Date

