

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
:
BICH VAN T. NGUYEN. : LS0802044BAC
RESPONDENT. :

Division of Enforcement Case File #: 07 BAC 224

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

Bich Van T. Nguyen
639 S. Main Street, Suite 100
DeForest, WI 53532

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. Bich Van T. Nguyen, date of birth: 06/15/57, is duly licensed as a barbering and cosmetology practitioner in the State of Wisconsin, having license #082-87654. This license was first granted on 09/06/07.
2. Ms. Nguyen is currently employed at 07 Nails, a Wisconsin manicuring establishment (#071-3041; granted: 01/10/07). Ms. Nguyen’s most recent business address on file with the Department of Regulation and Licensing (“Department”) is: 639 S. Main Street, Suite 100, DeForest, Wisconsin 53532.
3. As a barbering and cosmetology practitioner, Ms. 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 Chapter 2.
4. On or about July 20, 2007, the Department received a consumer complaint alleging there were sanitation and unlicensed practice violations occurring at 07 Nails. Based on the allegations contained in the consumer complaint, the matter was subsequently opened for investigation.

5. On or about September 5, 2007, an inspection was conducted of 07 Nails by a Department consumer protection investigator. The inspection revealed Bich Van Nguyen was providing manicuring services without having obtained the proper Wisconsin credential(s). Ms. Nguyen would apply for and receive her Wisconsin barbering and cosmetology license (#082-87654) on September 6, 2007.

6. In resolution of this matter, Bich Van T. Nguyen consents to 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. Respondent Bich Van T. Nguyen has violated:

Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by providing manicuring services without first obtaining the proper Wisconsin credential in order to provide such services.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Respondent is hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondent shall pay to the Department of Regulation and Licensing a forfeiture of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that Respondents shall pay costs in this matter in the amount of **ONE HUNDRED FIFTY DOLLARS (\$150.00)**.

IT IS FURTHER ORDERED, that a down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **TWO HUNDRED DOLLARS (\$200.00)** will be due every sixty (60) days from the previous payment until the full **SIX HUNDRED FIFTY DOLLARS (\$650.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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**

IT IS FURTHER ORDERED, that in the event Bich Van T. Nguyen fails to timely submit payment of the forfeiture and costs as set forth above, the barbering and cosmetology practitioner's license for (#082 87654), **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said 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 07 BAC 224, be and hereby is, closed as to Bich Van T. Nguyen.

Dated this 4th day of February, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush