

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
 :
VU THANH NGUYEN. : LS0802045BAC
CHIC NAILS. :
RESPONDENTS. :

Division of Enforcement Case File #: **07 BAC 024**

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

Vu Thanh Nguyen
725 N. High Point Road
Madison, Wisconsin 53717

Chic Nails
725 N. High Point Road
Madison, Wisconsin 53717

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. Chic Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 002849. This license was granted on 01/27/06.
2. Chic Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 725 N. High Point Road, Madison, Wisconsin 53717.
3. Vu Thanh Nguyen, date of birth: 10/5/76, was listed as the owner of record for Chic Nails at the time of the

facts stated below. Department records indicate that Mr. Nguyen holds a temporary manicurist license, #20045. This license was first granted in June 2007 and expires 01/28/08.

4. Mr. Nguyen's most recent business address on file with the Department is: 725 N. High Point Road, Madison, Wisconsin 53717.

5. As the listed owner of record, 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 2 and 3, and 4.

6. On or about March 21, 2007, the Department received a consumer complaint alleging Chic Nails was being kept in an unsanitary condition. Based on the allegations contained in the complaint, a case was opened for investigation.

7. On or about June 20, 2007 an inspection was conducted of Chic Nails by a Department investigator. The inspection revealed three unlicensed persons to be providing manicuring services. At the time of inspection, Mr. Nguyen was one of the three persons who did not have a Wisconsin manicurist license to provide manicuring services.

8. The June 20, 2007 inspection also revealed a one gallon container of acrylic liquid containing the ingredient of methyl methacrylate monomer (MMA).

9. Additional violations were also noted during the June 20, 2007 inspection:

Barbicide was not being changed on a daily basis;

Poisonous substances were not being stored in a locked cabinet or closet;

Disposable nail implements were being reused on patrons;

Pedicure spas were not being disinfected; and

Acrylic powder and liquid monomer were being dispensed from common bowls instead of dispensing individual quantities for each customer.

10. In resolution of this matter, Vu Thanh Nguyen and Chic Nails consent 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. Respondents Vu Thanh Nguyen and Chic Nails have violated:

a. Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04(1) by permitting three employees to provide manicuring services without first obtaining Wisconsin credentials;

b. Wis. Stat. § 454.15(2)(c)(i) and Wis. Admin. Code § BC 2.03(9) by using a state prohibited substance for manicuring care-methyl methacrylate monomer (MMA) on patrons at Chic Nails;

c. Wis. Admin. Code § BC 3.01(6) by failing to store poisonous substances in a locked cabinet or closet;

- d. Wis. Admin. Code §§ BC 4.01(3) and 4.10(4) by continuing to reuse disposable nail implements on patrons;
- e. Wis. Admin. Code § BC 4.01(4) by failing to dispense individual amounts of acrylic powder and liquid monomer for each customer;
- f. Wis. Admin. Code § BC 4.10(2) by failing to change Barbicide disinfectant on a daily basis; and
- g. Wis. Admin. Code § BC 4.01(1) by failing to disinfect the pedicure spas.

4. Based on the violations found during the June 20, 2007 inspection of Chic Nails, it is concluded that Chic Nails was not being maintained in a clean, sanitary, and safe condition.

ORDER

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

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

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **FOUR THOUSAND SIX HUNDRED DOLLARS (\$4,600.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **SIX HUNDRED DOLLARS (\$600.00)**.

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 eight more payments of **SIX HUNDRED DOLLARS (\$600.00)** will be due sixty (60) days from the previous payment until the full **FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200.00)** 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 Vu Thanh Nguyen and Chic Nails fail to timely submit payment of the forfeiture and costs as set forth above, the temporary manicurist license for Vu Thanh Nguyen (#20045), and the manicuring establishment license for Chic Nails (# 071 2849) **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 024, be and hereby is, closed as to all Respondents.

Dated this 4th day of February, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush