

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** :
 : **LS0804075BAC**
THANH PHAM. :
07 NAILS. :
RESPONDENTS. :

Division of Enforcement Case File #: **07 BAC 224**

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

Thanh Pham
639 S. Main Street, Suite 100
DeForest, WI 53532

07 Nails
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. 07 Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 003041. This license was granted on 01/10/07.
2. 07 Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 639 S. Main Street, Suite 100, DeForest, Wisconsin 53532.
3. Thanh Pham, date of birth: 05/15/72, is listed as the owner of record for 07 Nails. Department records indicate that Ms. Pham holds a manicurist license, #085-6188. This license was first granted on 04/10/00.

4. Ms. Pham's most recent business address on file with the Department is: 639 S. Main Street, Suite 100, DeForest, Wisconsin 53532.

5. As the listed owner of record, Ms. Pham 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 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.

7. 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.

8. Department records indicate the establishment license for 07 Nails had been placed into expired status between the dates of July 10, 2007 and September 6, 2007. During the period in which 07 Nails' establishment license was in expired status, the salon remained opened for business.

9. The September 5, 2007 inspection also revealed that 07 Nails was using an acrylic liquid that contained the ingredient of methyl methacrylate monomer (MMA).

10. Sanitation violations were also noted during the September 5, 2007 inspection:

Four workstations contained used disposable nail files and buffers in workstation drawers;
Wax used for paraffin dips contained debris; and
Disposable gloves were not found within the salon.

11. In resolution of this matter, Thanh Pham, and 07 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 Thanh Pham and 07 Nails has violated:

- a. Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by permitting an employee to provide manicuring services without first obtaining a Wisconsin credential in order to provide such services;
- b. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ 2.045(1) and 3.01(1) by providing manicuring services in an unlicensed establishment for an almost two month period;

- c. 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 07 Nails;
- d. Wis. Admin. Code §§ BC 4.01(3) and 4.10(4) for failing to dispose of used nail files and buffers;
- e. Wis. Admin. Code § BC 4.08(3) by failing to dispose of wax that contained debris; and
- f. Wis. Admin. Code § BC 4.04(2) by failing to keep a supply of disposable gloves in the establishment.

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 **TWO THOUSAND THREE HUNDRED FIFTY DOLLARS (\$2,350.00)**.

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 **NINE HUNDRED FIFTY DOLLARS (\$950.00)** shall be submitted within thirty (30) days from the date of this order and four more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due every sixty (60) days from the previous payment until the full **TWO THOUSAND NINE HUNDRED FIFTY DOLLARS (\$2,950.00)** is paid. Payments 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**

IT IS FURTHER ORDERED, that in the event Thanh Pham and 07 Nails fail to timely submit payment of the forfeiture and costs as set forth above, the manicurist license for Thanh Pham (#085 6188), and the manicuring establishment license for 07 Nails (# 071 3041) **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 Thanh Pham and 07 Nails.

Dated this 7th day of April, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush