

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 : FINAL DECISION AND ORDER
:
LISA THI PHAM AND CLASSY NAIL, : LS08110319BAC
RESPONDENTS. :

Division of Enforcement Case File # 06 BAC 085 and 06 BAC 086

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

Lisa Thi Pham
336 E. Capitol Dr. # 7
Milwaukee, WI 53212

Classy Nail
336 E. Capitol Dr.
Milwaukee, WI 53212

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 Lisa Thi Pham is licensed in the State of Wisconsin as a Manicurist, license # 85-3591. This license was first granted to her on 09/29/98 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for Ms. Pham is 336 E. Capitol Dr. #7, Milwaukee, WI 53212.

2. Respondent Classy Nail is licensed in the State of Wisconsin as a Manicuring Establishment, license # 71-1241. This license was first granted to it on 06/19/98 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for this establishment is 336 E. Capitol Dr., Milwaukee, WI 53212.

3. Ms. Pham is listed with the Department of Regulation and Licensing as the owner of Classy Nail. As owner, Ms. Pham 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 September 25, 2006, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Classy Nail. During the inspection the investigator noted the following:

The current license of one manicurist was not posted;
Dirty/used disposable nail files and nail bit covers were stored in workstation drawers;
Dirty metal nail implements were found in a workstation drawer; and
Poisonous bathroom cleaner was found on the vanity in the public restroom.

5. At the conclusion of the inspection on September 25, 2006, the investigator issued an Order to Correct to Ms. Pham, requesting that corrective measures be taken for the above mentioned violations by October 2, 2006.

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 Lisa Thi Pham and Classy Nail have violated:

- a. Wis. Admin. Code § BC 2.07(2) by failing to insure that current licenses were posted in the salon;
- b. Wis. Admin. Code § BC 4.10(4) by failing to dispose of instruments that cannot be cleaned and disinfected;
- c. Wis. Admin. Code § BC 4.10(1) by failing to disinfect reusable manicuring instruments; and
- d. Wis. Admin. Code § BC 3.01(6) by failing to insure that poisonous substances were out of public areas or in a locked cabinet.

3. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Lisa Thi Pham, (license # 85-3591), and Classy Nail (license # 71-1241) be, and hereby are,

REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents shall, jointly and severally, pay a FORFEITURE in the amount of SIX HUNDRED DOLLARS (\$600.00) within 30 days of the date of this Order and shall pay COSTS in the amount of NINE HUNDRED DOLLARS (\$900.00) within 120 days of the date of this Order.

3. 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) 267-3817, 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 (# 85-3591 and # 71-1241) 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.

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush