

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
DANH DANG.	:
PRINCESS NAILS.	: LS0811036BAC
RESPONDENTS.	:

Division of Enforcement Case File #: **07 BAC 160**

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

Attn: Danh Dang
2800 New Pinery Road
Unit 4
Portage, WI 53901

Princess Nails
2800 New Pinery Road
Portage, WI 53901

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:
Reckoned

FINDINGS OF FACT

1. Princess Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 003238. This license was first granted on 11/15/07.
2. Princess Nails' most recent address on file with the Department of Regulation and Licensing ("Department") is: 2800 New Pinery Road, Unit 4, Portage, Wisconsin 53901.
3. Danh Dang, is the listed owner of Princess Nails. Mr. Dang licensed as a manicurist in the State of Wisconsin, having license #085-6178. This license was granted on 08/30/05. Mr. Dang's most recent business address on file with the Department is: 2800 New Pinery Road, Unit 4, Portage, Wisconsin 53901.
4. As an owner, Mr. Dang and is at all times relevant to this action responsible for compliance with Wisconsin

5. On or about August 29, 2007, the Department received a consumer complaint alleging that the services they received at Princess Nails were unprofessional and no price list was posted for public knowledge. A case was opened for investigation.

6. On or about November 14, 2007, an inspection of Princess Nails was conducted by a Department consumer protection investigator. The inspection revealed that Princess Nails had been operating without an establishment license. Department records indicate Princess Nails was granted an establishment license on November 15, 2007.

7. The November 14, 2007 inspection of Princess Nails also noted the following violations:

Topical antiseptic was not found at each workstation;

Reused emery board and buffers were found at several manicure and pedicure workstations;

Pedicure Stations were not being cleansed and disinfected properly;

Nail dust was found on several workstation tops; and

Poisonous substances were found in a public area and not locked in a cabinet or closet.

8. In resolution of this matter, Dahn Dang and Princess Nails consent to the entry of 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 Danh Dang and Princess Nails, have violated:

- a. Wis. Stat. § 454.08(1)(b); and Wis. Admin. Code § BC 2.04(1) 2.045(1) and 3.01(1) for providing manicuring services without first obtaining a manicuring establishment license;
- b. Wis. Admin. Code § BC 3.01(6) for failing to store poisonous substances in a locked cabinet or closet.
- c. Wis. Admin. Code § BC 4.04(1) by failing to have topical antiseptic (as defined in BC 4.05) at every workstation;
- d. Wis. Admin. Code §§ BC 4.01(7) and 4.02(1) by failing to keep pedicure stations and nail workstations clean and sanitary; and
- e. Wis. Admin. Code § BC 4.10(4) by failing to dispose of re-used emery nail files and buffers.

4. Based on the number of violations found during the November 14, 2007 inspection of Princess Nails, it is concluded that Princess 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 Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

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 two more payments of **FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$575.00)** will be due every three months from the date of the order until the full **ONE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,650.00)** is paid.

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
PO Box 8935
Madison, WI 53708-8935
Telephone 608-267-3817
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that if the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, Danh Dang's manicurist license, #085 006178 and Princess Nails Establishment license #071 003238 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial 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 160 be, and hereby is, closed as to all Respondents.

Dated this 3rd day of November, 2008.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush