

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
THIEN CHI NGUYEN,	:	LS09020213BAC
RESPONDENT	:	

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Division of Enforcement Case File # 06 BAC 131

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

Thien Chi Nguyen  
5000 Hillsboro Pike, Apt. #F1  
Nashville, TN 37215

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 Thien Chi Nguyen is licensed in the State of Wisconsin as a Manicurist, license # 85-2594. This license was first granted to him on 08/19/1996 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for Mr. Nguyen is 5000 Hillsboro Pike, Apartment #F1, Nashville, TN, 37215.

2. On April 18, 2007, an investigator from the Department of Regulation and Licensing performed an unannounced inspection at Elite Nails, which was then licensed as a manicuring establishment in Green Bay, Wisconsin with Thien Chi Nguyen listed as the owner of the establishment.

3. As owner of Elite Nails, Thien Chi Nguyen 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. The April 18, 2007 inspection revealed the following:

An area of the manicuring establishment was set up to provide waxing services and the establishment advertised waxing services for eyebrows, upper lip, chin, face, toes, legs, and underarm;

Disposable contact equipment, nail files, were being reused;

Reusable manicuring implements in workstation drawers contained nail clippings – they were not being properly cleaned and disinfected after each use;

Contact equipment was not being properly stored – used and unused implements were being stored together;

Current licenses were not posted in the establishment; and

One person was providing pedicure services without being licensed.

4. At the conclusion of the inspection on April 18, 2007, the investigator issued an Order to Correct to Thien Chi Nguyen, requesting that corrective measures be taken for the above mentioned violations by April 25, 2007.
5. Thien Chi Nguyen wrote a letter to the Department and indicated that the violations had been corrected.
6. As of August 2008, Thien Chi Nguyen is no longer living in Wisconsin and has moved to Tennessee.
7. Thien Chi Nguyen wishes to resolve this matter by voluntarily surrendering his Wisconsin manicurist license.

## 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. Respondent Thien Chi Nguyen has violated:
  - a. Wis. Admin. Code § BC 4.08(2), BC 2.03(1), and BC 3.01(1) by advertising and providing waxing services beyond what a manicuring establishment may provide;
  - b. Wis. Admin. Code § BC 4.10(4) by failing to insure disposal of manicure instruments that cannot be cleaned and disinfected or sterilized after each use;
  - c. Wis. Admin. Code § BC 4.10(1) by failing to insure all reusable manicure instruments were disinfected prior to use;
  - d. Wis. Admin. Code § BC 4.02(4) by failing to insure that all clean and disinfected contact equipment was placed in covered containers;
  - e. Wis. Admin. Code § BC 2.07(2) by failing to insure all required licenses were posted; and
  - f. Wis. Admin. Code § BC 2.04(1) by assisting or participating in the unlicensed practice of manicuring.
3. Thien Chi Nguyen is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of Thien Chi Nguyen's manicurist license (license # 85-2594) is hereby ACCEPTED. Thien Chi Nguyen shall immediately return all indicia of Wisconsin Licensure to the Department Monitor, Post Office Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED that:

2. Thien Chi Nguyen shall not practice as a manicurist or attempt to practice as a manicurist in the state of Wisconsin without being licensed.

3. If Thien Chi Nguyen ever applies for renewal or reinstatement of his Wisconsin manicurist license (#85-2594), or applies for any license from the Board, then he shall pay the costs of investigating and prosecuting this matter, in the amount of SEVEN HUNDRED FIFTY DOLLARS (\$750.00), before such application may be considered. 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 Respondent's license. 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.

5. This Order is effective on the date of its signing.

Dated this 2<sup>nd</sup> day of February, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush