

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
	:	
HUY Q. NGUYEN,	:	Case # LS0904065BAC
RESPONDENT.	:	

Division of Enforcement Case # 07 BAC 253

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

Huy Q. Nguyen
13170 Thirty-ninth Avenue North
Chippewa Falls, Wisconsin 54729

Second address:
5640 Gables Drive
Eau Claire, Wisconsin 54701

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Barbering and Cosmetology Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
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 decision of this matter, subject to the approval of the Barbering and Cosmetology Board (Board). The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Huy Q. Nguyen (DOB 12/28/1972) (hereafter Respondent) is duly licensed as a manicurist in the state of Wisconsin (license # 6519-85). This license was first granted on August 24, 2006, and is current through March 31, 2009.
2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is 13170 Thirty-ninth Avenue North, Chippewa Falls, Wisconsin 54729.
3. From September 4, 2007, through September 29, 2008, Respondent operated a licensed establishment known as USA Nails, 4050 Commonwealth Avenue, Eau Claire, Wisconsin 54701.
4. Respondent's address as shown on the application for an establishment license was 5640 Gables Drive, Eau Claire, Wisconsin 54701.
5. In December 2007, the Division of Enforcement (DOE) received a complaint alleging that Respondent had provided manicuring services prior to licensure and had operated USA Nails for months before he obtained a license for the establishment.
6. On March 27, 2008, DOE Investigator Michelle Krisher made an unannounced visit to USA Nails.
7. Investigator Krisher found that the level of Barbicide in containers with implements was not sufficient to submerge the

implements for disinfection.

8. Respondent told Investigator Krisher that he changed the Barbicide weekly.
9. Respondent admitted to Investigator Krisher that he had provided manicuring services for compensation at Regal Nails in Chippewa Falls before he received his individual license.
10. Respondent admitted to Investigator Krisher that he had operated USA Nails without an establishment license from May 4, 2006, through September 4, 2007.
11. Respondent admitted to Investigator Krisher that he had provided manicuring services at USA Nails prior to receiving his manicurist credential in August 2006.
12. Respondent admitted to Investigator Krisher that he had provided manicuring services at USA Nails during the period in 2006 and 2007 before he obtained an establishment license for USA Nails.
13. Respondent sold USA Nails on September 29, 2008.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. § 454.04 (1) (d) provides that no person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetologist lice, manager license, temporary permit or training permit issued by the Board or is an apprentice or a student in a manicuring or barbering or cosmetology course of instruction.
3. By the conduct described in Findings of Fact 9 and 11, Respondent has violated Wis. Stat. § 454.04 (1) (d).
4. Wis. Stat. § 454.08 (1) (b) states that no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice.
5. By the conduct described in Findings of Fact 10 and 12, Respondent has violated Wis. Stat. § 454.08 (1) (b).
6. Wis. Administrative Code § BC 4.02 (5) provides that disinfectant used for decontamination shall be changed daily.
7. By failing to change disinfectant daily, Respondent has violated Wis. Administrative Code § BC 4.02 (5).
8. Wis. Stat. § 454.15 (2) provides that the Board may revoke, limit, suspend or refuse to issue or renew a license or permit issued under chapter 454 or reprimand the holder of a license or permit issued under chapter 454 if the holder has violated chapter 454 or any rule promulgated under chapter 454.
9. By violating the provisions of Wis. Stat. chapter 454 and Wis. Administrative Code § BC 4.02 (5), Respondent is subject to discipline by the Board.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Huy Q. Nguyen to practice manicuring in the State of Wisconsin is hereby REPRIMANDED.
2. Respondent shall pay to the Department a forfeiture of **SEVEN HUNDRED** dollars (\$700.00) and costs in the amount of **NINE HUNDRED** dollars (\$900.00), for a total of **ONE THOUSAND SIX HUNDRED** dollars (\$1,600). Payment shall be submitted on the following payment schedule:

Date	Amount
June 1, 2009	\$200.00
September 1, 2009	\$200.00
December 1, 2009	\$200.00
March 1, 2010	\$200.00
June 1, 2010	\$200.00
September 1, 2010	\$200.00
December 1, 2010	\$200.00
March 1, 2011	\$200.00

The full amount of the forfeiture and costs may be paid at any time prior to each due date for payment.

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
Post Office Box 8935
Madison, WI 53708-8935
608-267-3817

3. **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. In the event Respondent fails to submit timely any payment of the forfeiture as set forth above, or fails to pay costs as ordered, Respondent's license (#6519-85) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.**
4. This Order is effective on the date of its signing.

By: Jeannie M. Bush
A Member of the Board

4/6/09
Date