

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

FINDINGS OF FACT

1. Nails World is licensed in the state of Wisconsin as a Manicuring Establishment, license number 71-2845. This license was first granted to Nails World on 01/20/2006 and is current through 03/31/2011.
2. The most recent address for Nails World on file with the Wisconsin Department of Regulation and Licensing (Department) is 3002 South Business Drive, Sheboygan, WI 53081.
3. Clarence D. Nguyen is licensed in the state of Wisconsin as a Manicurist, license number 85-5093. This license was first granted to Mr. Nguyen on 12/17/2002 and is current through 03/31/2011. Mr. Nguyen is the owner of Nails World.
4. Mr. Nguyen's most recent address on file with the Department is 3002 South Business Drive, Sheboygan, WI 53081.
5. On or about October 30, 2009, the Department received a complaint alleging in part that Nails World was providing services without the proper licensure and that there were sanitation and safety violations in the establishment. A case was subsequently opened for investigation.
6. On February 4, 2010, during the course of the Department's investigation, a Department investigator performed an unannounced inspection at Nails World. The inspection revealed the following:
 - a. Manicuring services were being performed by an unlicensed individual;
 - b. The salon advertised and performed waxing without proper licensure; and
 - c. A poisonous substance (air freshener) was stored in an unlocked public restroom.
7. On December 5, 2005, the Board issued a Final Decision and Order in case LS0512051BAC. A forfeiture of \$3,100.00 and costs of \$400.00 were assessed against Respondent Clarence D. Nguyen and his wife Cindy Le Nguyen d/b/a Nails World for the following violations: 1). Use of methyl methacrylate (MMA). 2). Two unlicensed individuals working as manicurists in the salon. 3). Used nail files stored in drawers with clean disposable files. 4). No bandages or gloves at the workstations. 5). Poisonous substances stored in an unlocked cabinet.
8. In resolution of this matter, Respondents Nails World and Clarence D. Nguyen consent to the entry of the following Conclusions of Law and Order.

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. By the conduct described in paragraph 6 of the Findings of Fact, Respondents Nails World and Clarence D. Nguyen have violated the following:

- a. Wis. Admin. Code § BC 2.04(1) by permitting an unlicensed individual to perform manicuring services;
- b. Wis. Stats. § 454.08(1)(b) and Wis. Admin. Code § BC 3.01(1) by providing waxing services at a manicuring establishment; and
- c. Wis. Admin. Code § BC 3.01(6) by allowing a poisonous substance (air freshener) to be stored in an unlocked public area.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Nails World and Clarence D. Nguyen be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. The manicurist license issued to Clarence D. Nguyen (number 85-5093) and the manicuring establishment license issued to Nails World (number 71-2845) shall both be **SUSPENDED** for a period of ten (10) calendar days, starting on the 10th calendar day after the date on which this order is signed.

IT IS FURTHER ORDERED that:

3. Respondents Nails World and Clarence D. Nguyen shall jointly and severally pay **COSTS** in the amount of **SIX HUNDRED FIFTY DOLLARS (\$650.00)** and a **FORFEITURE** in the amount of **TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100.00)**.

4. A down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within 30 days of the date of this order and five (5) more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due every ninety (90) days from the date of the previous payment due date until the full **TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$2,750.00)** is paid in full.

5. Payment of the costs and forfeitures 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

6. 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 payment of the costs and forfeitures as ordered and as set forth above, the Respondents' licenses (numbers 71-2845 and 85-5093) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs and forfeitures.

IT IS FURTHER ORDERED, that file, 09 BAC 093 be, and hereby is, closed.

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

Dated this 7 day of June, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M Bush