

# 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 THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
USA NAILS AND	:	
ANDY T. NGUYEN,	:	ORDER 0000510
RESPONDENTS.	:	
	:	

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Division of Enforcement Case No. 09 BAC 056

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

USA Nails  
4050 Commonwealth Ave  
Eau Claire, WI 54701

Andy T. Nguyen  
4050 Commonwealth Ave  
Eau Claire, WI 54701

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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 USA Nails is licensed in the State of Wisconsin as a Manicuring Establishment, having license # 71-3383. This license was first granted to it on 9/29/2008 and is current through 3/31/2011. The most recent address on file with the Department of Regulation and Licensing for USA Nails is 4050 Commonwealth Ave., Eau Claire, WI 54701.

2. Respondent Andy T. Nguyen is licensed in the State of Wisconsin as a Manicurist, having license # 85-6166. This license was first granted to him on 8/2/2005 and is current through 3/31/2011. The most recent address on file with the Department of Regulation and Licensing for Mr. Nguyen is 4050 Commonwealth Ave., Eau Claire, WI 54701.

3. Andy T. Nguyen is the owner and manager of USA Nails. As owner and manager, Mr. 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 Department of Regulation and Licensing received a complaint against USA Nails and Mr. Nguyen on July 2, 2009 alleging unlicensed practice and various sanitation violations.

5. On May 20, 2010, an investigator inspected USA Nails. The investigator observed three employees providing manicuring services without licensure. Those employees were Mary Trinh, Trinh Thi Vo, and Khanh Van Nguyen.

6. During the same inspection, the investigator observed three sanitation violations. First, the investigator noted that air freshener and toilet cleaner were located in the public bathroom and not locked in a cabinet or closet. Second, the establishment was not using the proper disinfectant in the Pedi Chairs. Mr. Nguyen admitted to using Barbicide and Spa-Cide (a fungicide and a virucide cleaner). Third, several used buffers and emery boards were found. Mr. Nguyen admitted that he sometimes used buffer and emery boards on three to four customers before disposing of them.

7. In resolution of this matter, Respondents USA Nails and Andy T. 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. Respondents USA Nails and Andy T. Nguyen have violated Wis. Admin. Code § BC 2.04 by assisting in the unlicensed practice of manicuring of three employees, as described in paragraph 5 of the Findings of Fact.

3. Respondents USA Nails and Andy T. Nguyen have violated Wis. Admin. Code § BC 3.01(6) by failing to store poisonous substances in a locked cabinet or closet as described in paragraph 6 of the Findings of Fact.

4. Respondents USA Nails and Andy T. Nguyen have violated Wis. Admin. Code § BC 4.01(1) by failing to properly maintain the Pedi Chairs in a clean, sanitary, and safe condition as described in paragraph 6 of the Findings of Fact.

5. Respondents USA Nails and Andy T. Nguyen have violated Wis. Admin. Code § BC 4.10(1)(4) by failing to dispose of manicure instruments that cannot be sterilized following each use as described in paragraph 6 of the Findings of Fact.

4. As a result of these violations, USA Nails and Andy T. Nguyen are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and § 454.15(3).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The manicuring establishment license of **USA Nails** (license # 71-3383) and the manicuring license of **Andy T. Nguyen** (license # 85-6166) are hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent **USA Nails** shall pay a **FORFEITURE** in the amount of **ONE THOUSAND SEVEN HUNDRED AND TWENTY FIVE DOLLARS (\$1725.00)** and **COSTS** in the amount of **ONE HUNDRED AND SIXTY FIVE DOLLARS (\$165.00)**, for a total of **ONE THOUSAND EIGHT HUNDRED AND NINETY DOLLARS (\$1890.00)**.

3. A down payment of **TWO HUNDRED NINETY DOLLARS (\$290.00)** shall be submitted within 60 days of the date of this order and four (4) more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be due every ninety (90) days from the date of the previous payment due date until the full **ONE THOUSAND EIGHT HUNDRED AND NINETY DOLLARS (1,890.00)** is paid in full.

4. Respondent **Andy T. Nguyen** shall pay a **FORFEITURE** in the amount of **ONE THOUSAND SEVEN HUNDRED AND TWENTY FIVE DOLLARS (\$1725.00)** and **COSTS** in the amount of **ONE HUNDRED AND SIXTY FIVE DOLLARS (\$165.00)**, for a total of **ONE THOUSAND EIGHT HUNDRED AND NINETY DOLLARS (\$1890.00)**.

5. A down payment of **TWO HUNDRED NINETY FIFTY DOLLARS (\$290.00)** shall be submitted within 60 days of the date of this order and four (4) more payments of **FOUR HUNDRED DOLLARS (\$400.00)** will be due every ninety (90) days from the date of the previous payment due date until the full **ONE THOUSAND EIGHT HUNDRED AND NINETY DOLLARS (1,890.00)** is paid in full.

6. Payment of the costs and forfeiture 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) 261-7904, Fax (608) 266-2264

7. 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 forfeiture as set forth above, the Respondents' licenses (USA Nails - # 71-3383; Andy T. Nguyen - # 85-6166) 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 forfeiture.

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

9. File 09 BAC 056 is hereby closed as to Respondents USA Nails and Andy T. Nguyen.

Dated this 1 day of Nov, 2010.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush