

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
ANDY M. DUONG AND JENNY T. TIEU, : FINAL DECISION AND ORDER
RESPONDENTS. : **ORDER 000788**

Division of Enforcement Case Number 10 BAC 109

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

Andy M. Duong
1202 Bultman Road
Madison, WI 53704

Jenny T. Tieu
1202 Bultman Road
Madison, WI 53704

Wisconsin 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

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 Wisconsin Barbering and Cosmetology Examining Board ("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 Andy M. Duong (dob 09/13/1974) is licensed in the State of Wisconsin as a Manicurist, having license number 85-3922, first issued on 10/07/1999 and current through 03/31/2011. Mr. Duong's most recent address on file with the Department is 1202 Bultman Road, Madison, WI 53704. Mr. Duong is the owner of US Nails & Spa.

2. Respondent Jenny T. Tieu (dob 08/27/1971) is licensed in the State of Wisconsin as an Aesthetician, having license number 86-882, first issued on 09/15/2003 and current through 03/31/2011. Mrs. Tieu is also licensed in the State of Wisconsin as a Manicurist, having license number 85-4090, first issued on 03/21/2000 and current through 03/31/2011. Ms. Tieu's most recent address on file with the Department is 1202 Bultman Road, Madison, WI 53704.

3. On or about June 11, 2010, the Department received a complaint alleging unlicensed practice at US Nails & Spa in Monona, Wisconsin. A case was subsequently opened for investigation.

4. On November 18, 2010, a Department investigator made an unannounced visit to US Nails & Spa, 6000 Monona Drive in Monona, Wisconsin. The investigator performed an inspection and issued the following citations:

- a. Andy M. Duong - \$500.00 for operating an aesthetics establishment without an aesthetics establishment license;
- b. Andy M. Duong - \$1,000.00 for operating a manicuring establishment without a manicuring establishment license;
- c. Andy M. Duong - \$1,000.00 for assisting in the unlicensed practice of manicuring (Dat Minh Tieu, who does not hold a Wisconsin manicurist license, was found to be providing a pedicure); and
- d. Jenny T. Tieu - \$500.00 for practicing aesthetics (eyebrow waxing) in an establishment which is not licensed as an aesthetics establishment.

5. Manicuring establishment and aesthetics establishment licenses were issued to US Nails & Spa on December 7, 2010.

6. On December 13, 2010, the Department received a request for a payment plan arrangement from Mr. Duong.

7. In resolution of this matter, Respondents Andy M. Duong and Jenny T. Tieu 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 4 of the Findings of Fact, Respondent Andy M. Duong has violated Wis. Admin. Code §§ BC 2.04 and BC 2.045 by assisting in the unlicensed practice of manicuring and by operating an unlicensed manicuring and an unlicensed aesthetics establishment.

3. By the conduct described in paragraph 4 of the Findings of Fact, Respondent Jenny T. Tieu has violated Wis. Admin. Code § BC 2.04 by practicing aesthetics in an unlicensed aesthetics establishment.

4. As a result of the violations noted in paragraphs 2-3 of the Conclusions of Law, Respondents Andy M. Duong and Jenny T. Tieu are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Andy M. Duong (license number 85-3922) and Respondent Jenny T. Tieu (license numbers 86-882 and 85-4090) are hereby REPRIMANDED.

2. Respondent Andy M. Duong shall pay a FORFEITURE in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) and COSTS in the amount of SIXTY-EIGHT DOLLARS (\$68.00) for a total of TWO THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$2,568.00). Respondent Andy M. Duong shall pay as follows: A first payment of ONE HUNDRED SIXTY-EIGHT DOLLARS (\$168.00) shall be paid within 30 days from the date of this Order and eight (8) more payments of THREE HUNDRED DOLLARS (\$300.00) shall be due every ninety (90) days from the date of the previous due date until the full TWO THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$2,568.00) is paid in full.

3. Respondent Jenny T. Tieu shall pay a FORFEITURE in the amount of FIVE HUNDRED DOLLARS (\$500.00) and COSTS in the amount of SIXTY-EIGHT DOLLARS (\$68.00) for a total of FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$568.00). Respondent Jenny T. Tieu shall pay as follows: A first payment of TWO HUNDRED SIXTY-EIGHT DOLLARS (\$268.00) shall be paid within 30 days from the date of this Order and one (1) more payment of THREE HUNDRED DOLLARS (\$300.00) shall be due ninety (90) days from the date of the previous due date.

4. Payment of the costs and forfeitures shall be made by check 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

5. 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, Respondents licenses (numbers 85-3922, 86-882, and 85-4090) 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.

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

Dated this 4th day of April, 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Janice M. Boeck