

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ELAN NAILS AND :
OANH K. DO, :
RESPONDENTS. : ORDER 0001083

Division of Enforcement Case File Number 09 BAC 127

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

Oanh K. Do
5300 South 76th Street, Unit 450
Greendale, WI 53129

Elan Nails
5300 South 76th Street, Unit 450
Greendale, WI 53129

Wisconsin 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

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 Oanh K. Do, date of birth: 04/29/1975, is licensed in the State of Wisconsin as a manicurist, having license number 85-4516. This license was first granted to her on 05/02//01 and is current through 03/31/2013.

2. The most recent business address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent Oanh is 5300 South 76th Street, Unit 450, Greenfield, WI 53129.

3. Respondent Elan Nails is licensed in the state of Wisconsin as a manicuring establishment, license number 71-2931. This license was first granted to Elan Nails on 05/17/06 and is current through 03/31/2011.

4. The most recent business address on file with the Department for Respondent Elan Nails is 5300 South 76th Street, Unit 450, Greenfield, WI 53129.

5. Respondent Do is the responsible licensee for Elan Nails. As the responsible licensee, at all times relevant to this action, Respondent Do was and is responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology, Chapter 2.

6. On December 23, 2009, the Department received a complaint that an unlicensed person was providing manicuring services at Elan Nails. The complaint was subsequently opened for investigation.

7. On September 3, 2010, a Department consumer protection investigator conducted an inspection of Elan Nails. The results of the investigation found an unlicensed person providing manicuring services to a patron. The investigation also found that a current establishment license was not posted at the salon.

8. In resolution of this matter, Respondents Oanh K. Do and Elan Nails 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 seven (7) of the Findings of Fact, Respondents Oanh K. Do and Elan Nails have violated Wis. Admin. Code § BC 2.04(1) by permitting an unlicensed person to provide manicuring services.

3. By the conduct described in paragraph seven (7) of the Findings of Fact, Respondents Oanh K. Do and Elan Nails have violated Wis. Stat. § 454.08(8) and Wis. Admin. Code § BC 3.01(13) by failing to post Elan Nails' current establishment license in a conspicuous place inside of the salon.

4. As a result of the violations noted in the Conclusions of Law, Respondents Oanh K. Do and Elan Nails are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents Oanh K. Do and Elan Nails be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondents Oanh K. Do and Elan Nails shall pay **COSTS** in the amount of **FOUR HUNDRED DOLLARS (\$430.00)** within 90 days of the date of this Order.
3. Respondent Oanh K. Do and Elan Nails shall pay a **FORFEITURE** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within 90 days of the date of this Order.
4. Payment of the costs and forfeiture shall be made 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 forfeiture as ordered and as set forth above, then Respondents' licenses (number s 85 -4516 and 71-2931) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondents have complied with payment of costs and forfeiture.

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

Dated this 12 day of Sept., 2011.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jamie M. Beck