

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
HOANG T. NGUYEN  
AND  
SUPREME NAILS, :  
RESPONDENTS. : ORDER 0001085

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Division of Enforcement Case No. 10 BAC 078

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

Hoang T. Nguyen  
528 N. 8<sup>th</sup> St.  
Sheboygan, WI 53081

Supreme Nails  
528 N. 8<sup>th</sup> St.  
Sheboygan, WI 53081

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

Division of Enforcement  
Department of Safety and Professional Services  
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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Hoang Nguyen (dob 10/15/1979) is licensed in the State of Wisconsin as a Manicurist, having license number 6175-85, first issued on 08/22/2005 and

current through 3/31/2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Supreme Nails, 528 N. 8<sup>th</sup> St., Sheboygan, WI 53081.

2. Respondent Supreme Nails is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 3708-71, first issued on 09/24/2010 and current through 03/31/2013. Respondent's license was in expired status from 4/1/2011 to 5/25/2011. Respondent's most recent address on file with the Department is 528 N. 8<sup>th</sup> St., Sheboygan, WI 53081.

3. Respondent Supreme Nails at all relevant times was owned by Respondent Hoang Nguyen.

4. On September 3, 2010, an investigator employed by the Department conducted an unannounced inspection of the Respondent Supreme Nails after receiving a complaint. The investigator observed the following violations:

- a. Establishment was not licensed as a manicure establishment.
- b. Two unlicensed persons were observed providing manicure services to patrons.
- c. Bandages and gloves were not available in the salon.
- d. Respondent Nguyen admitted buffers and emery boards were used on three to five customers before being discarded.
- e. Manicure implements were not properly disinfected prior to use on patrons.
- f. Respondent was using an improper type of sterilizer, namely a UV sterilizer rather than the approved dry or steam heat type.

5. Respondent Supreme Nails was issued a manicure establishment license on 9/24/2010.

6. Respondent Supreme Nails should have renewed its manicuring establishment license on 3/31/2011. Respondent's establishment license was not renewed until 5/24/2011 when the investigator informed Respondent Nguyen of the expiration.

7. On 6/9/2011, the investigator made a follow-up investigation of the salon. He found poisonous substances in the open, namely Lysol, in the bathroom and bleach in the small room that must be walked through to access the bathroom. He also found buffer blocks and emery boards that had obviously been previously used on more than one occasion in the drawers of several workstations.

## 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 the Findings of Fact, Respondent violated Wis. Stat. § 454.08(1)(d) and Wis. Admin. Code §§ BC 2.045(1) and 3.01(1) by practicing manicuring in an establishment that was not licensed to provide that practice.

3. By the conduct described in the Findings of Fact, Respondent violated the following provisions of the Wisconsin Administrative Code:

- a. § BC 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of manicuring.
- b. § BC 4.03(1) and 4.10(3) by failing to use approved sterilization techniques/equipment for equipment.
- c. § BC 4.04(2) by failing to provide bandages and disposable gloves.
- d. § BC 4.10(1) for failing to disinfect all reusable manicure instruments.
- e. § BC 4.10(4) by failing to dispose of manicure instruments that cannot be cleaned and disinfected.
- f. § BC 3.01(6) by failing to provide a safe and secure area for storing cleaning and disinfecting equipment and locking up poisonous substances.

4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(i).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents Hoang T. Nguyen and Supreme Nails are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Hoang T. Nguyen shall pay a FORFEITURE in the amount of \$1425 and COSTS of this matter in the amount of \$211. Within 90 days of the date of this Order, Supreme Nails shall pay a FORFEITURE in the amount of \$1425 and COSTS of this matter in the amount of \$211.
4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
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' 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 Respondents fail to timely submit payment of the forfeiture and costs as ordered, Respondents' license (no. 6175-85 and 3708-71) 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 forfeiture and costs.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: Jarvis M. Beck  
A Member of the Board

9-12-11  
Date