

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
KAREN BUI AND	:	
FANCY NAIL,	:	
RESPONDENTS.	:	ORDER 0001087

Division of Enforcement Case No. 10 BAC 125

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

Karen Bui
4401 Sandhill Dr.
Janesville, WI 53546

Fancy Nail
2500 Milton Ave., #149 (Janesville Mall)
Janesville, WI 53545

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 Karen Bui (dob 09/27/1983) is licensed in the State of Wisconsin as a Manicurist, having license number 85-6610, first issued on 11/27/2006 and current through 03/13/2013. Karen Bui's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4401 Sandhill Dr., Janesville, WI 53546.

2. Respondent Fancy Nail is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 71-3110, first issued on 05/03/2007, and current through 03/31/2013. Fancy Nail's most recent address on file with the Department is 2500 Milton Ave., #149, Janesville, WI 53545.

3. Respondent Bui is the owner of Fancy Nail. Pursuant to Wis. Admin. Code § BC 2.06, as owner, Bui was at all times relevant to this matter responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, 3 and 4.

4. On December 3, 2010, the Department received a complaint against Respondents Bui and Fancy Nail alleging sanitation issues existed and that the complainant had obtained an infection from visiting the establishment on October 9, 2010.

5. On March 16, 2011, a Division of Enforcement investigator inspected Fancy Nail and observed the following:

- a. Three unlicensed employees left the establishment as soon as the investigator identified himself.
- b. An inordinate amount of nail dust was found on all workstation tops.
- c. There was no germicidal being used to wash the laundry.
- d. Clean and disinfected implements were not being stored in covered containers.
- e. Implements, specifically buffer blocks and emery boards, were being reused.

6. In resolution of this matter, Respondents 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 the Findings of Fact, Respondents violated:

- a. Wis. Admin. Code § BC 2.04(1) by assisting three persons in the unlicensed practice of manicuring;
- b. Wis. Admin. Code § BC 4.01(1) by failing to maintain the areas of the establishment, equipment, tools and implements in a clean, sanitary and safe condition;

- c. Wis. Admin. Code § BC 4.02(6) by failing to disinfect laundry by washing with a solution containing a germicidal compound;
 - d. Wis. Admin. Code § BC 4.02(4) by failing to place clean and disinfected contact equipment in covered containers; and
 - e. Wis. Admin. Code § BC 4.10(4) by failing to dispose of manicure instruments that cannot be cleaned and disinfected or sterilized.
3. As a result of the above violations, Respondents 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 attached Stipulation is hereby accepted.
2. Respondents Bui and Fancy Nail are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Fancy Nail shall pay a FORFEITURE in the amount of ONE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS (\$1,675.00) and COSTS of this matter in the amount of ONE HUNDRED SIXTY-FIVE DOLLARS (\$165.00).
4. Within 90 days of the date of this Order, Karen Bui shall pay a FORFEITURE in the amount of ONE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS (\$1,675.00) and COSTS of this matter in the amount of ONE HUNDRED SIXTY-FIVE DOLLARS (\$165.00).
5. 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
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 Respondent 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 forfeiture and costs as ordered, Respondents' licenses (no. 85-6610 and 71-3110) 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.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: Jane M. Bauch
A Member of the Board

9-12-11
Date