

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."  
The status of an appeal may be found on court access websites at:  
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
NAIL LUV and :  
SENG C. PHAM, :  
RESPONDENTS. : ORDER 0001088

---

Division of Enforcement Case No. 10 BAC 128

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

Nail Luv  
5509 E. Durand Avenue  
Ste. E  
Racine, WI 53406

Seng C. Pham  
4210 Canterbury Lane  
Racine, WI 53403

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

Division of Enforcement  
Department of Regulation and Licensing  
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 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 Nail Luv is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 71-1915. This license was first granted on 7/23/2001 and is current through 3/31/2013. Nail Luv's most recent address on file with the Department of Regulation and Licensing (Department) is 5509 E. Durand Avenue, Ste. E, Racine, WI 53406.

2. Respondent Seng C. Pham (dob 4/1/68) is licensed in the State of Wisconsin as a Manicurist, having license number 85-1997, first issued on 7/13/1995 and current through 3/31/2013. Seng C. Pham's most recent address on file with the Department is 4210 Canterbury Lane, Racine, WI 53403.

3. Seng C. Pham is the owner and manager of Nail Luv. As owner and manager, Seng C. Pham was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 3 and 4.

4. The Department received a complaint against Nail Luv and Seng C. Pham on 12/13/2010 alleging sanitation violations.

5. On 3/9/2011, a Department investigator inspected Nail Luv. During the inspection, the investigator observed three sanitation violations:

- a. The investigator noted debris in the drain filters of two of the salon's Pedi Chairs;
- b. The establishment was not using the proper disinfectant (tuberculocidal) to sanitize the Pedi Chairs; and
- c. Several used buffers and emery boards, in addition to excessive nail dust, were found in work station drawers. Excessive nail dust was also noted on work station table tops and in areas of the work stations where contact equipment was stored.

6. In resolution of this matter, Respondents Nail Luv and Seng C. Pham 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 Nail Luv and Seng C. Pham have violated Wis. Admin. Code § BC 4.01(1) by failing to maintain all areas of the establishment and the equipment used by licensees in a clean, sanitary and safe condition, as described in paragraphs 5(a) and 5(c) of the Findings of Fact.

3. Respondents Nail Luv and Seng C. Pham have violated Wis. Admin. Code § BC 4.02(3) by failing to properly maintain the Pedi Chairs in a clean, sanitary, and safe condition by spraying with a tuberculocidal disinfectant and air drying, as described in paragraph 5(b) of the Findings of Fact.

4. Respondents Nail Luv and Seng C. Pham have violated Wis. Admin. Code § BC 4.10(4) by failing to dispose of instruments that cannot be sterilized following each use, as described in paragraph 5(c) of the Findings of Fact.

5. As a result of these violations, Nail Luv and Seng C. Pham 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. Nail Luv (license number 71-1915) and Seng C. Pham (license number 85-1997) are hereby reprimanded.
3. Respondent Nail Luv shall pay a forfeiture in the amount of two hundred and thirty-seven dollars (\$237.00) and costs in the amount of two hundred and fifty-five dollars (\$255.00), for a total of four hundred and ninety-two dollars (\$492.00).
4. Respondent Seng C. Pham shall pay a forfeiture in the amount of two hundred and thirty-seven dollars (\$237.00) and costs in the amount of two hundred and fifty-five dollars (\$255.00), for a total of four hundred and ninety-two dollars (\$492.00).
5. Payment of the costs and forfeiture shall be submitted within 180 days from the date of this order. Payment of the costs and forfeiture shall be made 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

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 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 that Respondents fail to timely submit payment of the costs and forfeiture as set forth above, the Respondents' licenses (Nail Luv – license number 71-1915; Seng C. Pham – license number 85-1997) 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.

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

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: Janice M. Beech  
A Member of the Board

9-12-11  
Date