

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HUNG T. LE and
NORTH SHORE NAILS,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002273
:

Division of Legal Services and Compliance¹ Case No. 12 BAC 084

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

Hung T. Le
6744 N. Sidney Pl., #205
Glendale, WI 53209

North Shore Nails
4011 N. Oakland Ave.
Shorewood, WI 53211

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

Division of Legal Services and Compliance
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 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 Hung T. Le, (dob: January 13, 1972) is licensed in the State of Wisconsin as a Manicurist, having license number 85-7470, first issued on November 05, 2009,

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

and current through March 31, 2013. Respondent Le's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6744 N. Sidney Place, #205, Glendale, WI 53209.

2. Respondent North Shore Nails is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 71-3815, first issued on April 27, 2011, and current through March 31, 2013. Respondent North Shore Nails' most recent address on file with the Department is 4011 N. Oakland Ave., Shorewood, WI 53211.

3. At all relevant times to this case Respondent Le owned Respondent North Shore Nails.

4. Pursuant to a complaint of unsanitary conditions, a department investigator performed an unannounced inspection of Respondent North Shore Nails on October 4, 2012, which revealed the following violations:

- a. Two unlicensed persons, A.T.N.N and L.T.P.L., were providing pedicures.
- b. H.D., a licensed manicurist, was providing eyebrow waxing services. She did not hold an aesthetics license.
- c. North Shore Nails was not licensed as an aesthetics establishment despite providing waxing services.
- d. Poisonous substances were stored in the men's restroom and not locked in a cabinet or closet.
- e. Manicuring and aesthetic implements and new disposable items were stored in uncovered containers.
- f. Used disposable nail files were stored in workstation drawers.

5. Division of Legal Services and Compliance Case No. 12 BAC 084 was subsequently opened.

6. Respondent North Shore Nails is now licensed as an aesthetics establishment as of October 8, 2012.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin 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 Wis. Admin. Code § BC 2.04(1) by assisting in the unlicensed practice of manicuring and aesthetics.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC 2.045(1) and § BC 3.01 practicing aesthetics outside of a licensed aesthetics establishment.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC 3.01(6) by not storing poisonous substances in public areas in a locked cabinet or closet.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC 4.01(1) by not maintaining all tools and implements in a clean, sanitary and safe condition.

6. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC 4.02(4) by not storing clean and disinfected contact equipment in covered containers.

7. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § BC 4.10(4) by not disposing of manicuring instruments that cannot be cleaned and disinfected or sterilized following each use.

8. 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

1. The attached Stipulation is accepted.

2. Respondent Hung T. Le is REPRIMANDED.

3. Respondent North Shore Nails is REPRIMANDED.

4. Within six months from the date of this Order, Respondent Le shall pay a FORFEITURE in the amount of \$775.00 and COSTS of this matter in the amount of \$195.00. Respondent Le shall submit a down payment of \$485.00 within 90 days of the date of this Order. An additional payment of \$485.00 will be due 90 days from the date of the first payment.

5. Within one year from the date of this Order, Respondent North Shore Nails shall pay a FORFEITURE in the amount of \$775.00 and COSTS of this matter in the amount of \$195.00. Respondent North Shore Nails shall submit a down payment of \$485.00 within 9 months of the date of this Order. An additional payment of \$485.00 will be due 90 days from the date of the first payment.

6. 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 Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 forfeiture and costs as ordered, Respondents' licenses (85-7470 and 71-3815) 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

1-28-13
Date