

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

DUNG H. NGUYEN and
HOLLYWOOD NAILS,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
: OF DEFAULT
: Order No. 0003450
:
0003451

Division of Legal Services and Compliance Case File Number 13 BAC 135

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

Dung H. Nguyen
Hollywood Nails
807 S. Military Ave.
Green Bay, WI 54303

Wisconsin Cosmetology Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as citations to which Respondents Dung H. Nguyen and Hollywood Nails have not made a deposit. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Dung H. Nguyen (dob October 23, 1951) is licensed in the State of Wisconsin as a cosmetology practitioner, having license number 90415-82, first issued on November 17, 2009 and current through March 31, 2015. Dung H. Nguyen's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 807 S. Military Avenue, Green Bay, Wisconsin 54304.

2. Respondent Hollywood Nails is licensed in the State of Wisconsin as a manicuring establishment, having license number 3781-71, first issued on March 3, 2011 and

current through March 31, 2015. Hollywood Nail's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 807 S. Military Avenue, Green Bay, Wisconsin 54304. Respondent Dung H. Nguyen is identified in Department records and the licensee in responsible charge of Respondent Hollywood Nails.

3. On March 24, 2014, following an inspection on March 20, 2014, a Division of Legal Services and Compliance (Division) investigator issued three citations to Respondents for violations of Wis. Admin. Code §§ Cos 2.03(9), 3.01(6) and 4.10(5) [sic]. Service was accomplished by mail.

4. On or about September 6, 2014, the Division investigator received the total forfeiture amount from Respondents.

5. On September 30, 2014, the Board approved the three citations against Respondents (Order Nos. 0003450 and 0003451, respectively). True and correct copies of these citations are attached as Exhibit A and is incorporated herein by reference.

6. On or about November 10, 2014, Respondents' payment was returned for non-sufficient funds. On that same day, Respondents were sent an invoice requesting payment by no later than December 25, 2014. To date, Respondents have not paid the citations that were issued to them on March 24, 2014.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondents violated Wis. Admin. Code § Cos 2.03(9) by using methyl methacrylate monomer in liquid form.

3. Respondents violated Wis. Admin. Code § Cos 3.01(6) by failing to have poisonous substances locked in a cabinet or closet.

4. Respondents violated Wis. Admin. Code § Cos 4.10(5) [sic] by failing to dispose of manicure instruments that cannot be cleaned and disinfected or sterilized.

5. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

6. Respondents are in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit to the citations.

7. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondents for the amounts identified in the citations without further proceedings.

ORDER

1. Respondents are in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$1,350.00 within thirty (30) days from the date of this Order.

2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817, Fax (608) 266-2264

3. 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 refusal to renew a credential or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Geraldine Reuter
A Member of the Board

3/9/15
Date