

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PHIROM PANG, AND	:	
BLUSH NAIL BOUTIQUE,	:	
RESPONDENTS.	:	ORDER 0007072

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Division of Legal Services and Compliance Case No. 19 BAC 072

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

Phirom Pang  
Sun Prairie, WI 53590

Blush Nail Boutique  
Sun Prairie, WI 53590

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

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

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 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 Phirom Pang (Birth Year 1981) is licensed by the State of Wisconsin as a manicurist, having license number 8094-85, first issued on January 25, 2012 and current through March 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Sun Prairie, Wisconsin 53590.

2. Respondent Blush Nail Boutique is licensed by the State of Wisconsin as a manicuring establishment, having license number 5382-71, first issued on December 17, 2018 and expired on April 1, 2021. Respondent's most recent address on file with the Department is in Sun Prairie, Wisconsin 53590.

3. Respondent Phirom Pang is identified in Department records as the responsible licensee in charge of Respondent Blush Nail Boutique.

4. On September 11, 2019, the Department received a complaint alleging that an employee of Blush Nail Boutique filed her nails too thin, which caused them to break off. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 BAC 072 for investigation.

5. On September 4, 2019, Complainant visited Blush Nail Boutique to get a gel manicure. The manicurist immediately filed off the topcoat of nail polish on all fingers with a file. A cotton ball was then placed on each fingernail, a plastic thimble was placed on each finger, a solution of acetone was squirted in each plastic thimble, but the nails were not wrapped in aluminum foil. The manicurist was unable to remove the nail polish with a cotton ball, so she switched to a heavier grit file and continued to file each nail, which resulted in the Complainant's nails being filed down extremely thin. Two days after the manicure, one nail was so thin that it ripped. Five days after the manicure, six of the nails had ripped.

6. Respondent Blush Nail Boutique's manicuring establishment license expired on April 1, 2019 and was not renewed until May 20, 2020.

7. Respondent Pang admitted that Respondent Blush Nail Boutique continued to operate as a manicuring establishment and provided manicures and pedicures to clients while its license was expired from April 3, 2019 – May 20, 2020.

8. Respondent Blush Nail Boutique's manicuring establishment license expired again on April 1, 2021.

9. On May 18, 2021, Respondent Pang was issued a new manicuring establishment license for Blush Nail Boutique Sun Prairie, license number 5779-71.

10. On September 28, 2021, Respondent Pang admitted that he had provided manicuring services at his establishment between April 1, 2021 and May 18 2021, during which time he did not have an active establishment license.

11. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The 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 § 3.01(1) by providing manicuring services outside of a licensed establishment.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § 2.03(1) by failing to provide services in a manner that is consistent with basic

and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(c) and (i), and § 454.15(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Phirom Pang is REPRIMANDED.

3. Respondent Blush Nail Boutique is REPRIMANDED.

4. Within ninety (90) days from the date of this Order, Respondent Phirom Pang shall pay a FORFEITURE in the amount of \$500.00 and the COSTS of this matter in the amount of \$905.

5. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov


You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 8094-85 and 5382-71), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:



A Member of the Board

1 November 2021

Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

PHIROM PANG, AND  
BLUSH NAIL BOUTIQUE,  
RESPONDENTS.

STIPULATION

ORDER 0007672

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Division of Legal Services and Compliance Case No. 19 BAC 072

Respondents Phirom Pang, Blush Nail Boutique, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
  - the right to a hearing on the allegations against Respondents, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
  - the right to confront and cross-examine the witnesses against Respondents;
  - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
  - the right to testify on Respondents' own behalf;
  - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
  - the right to petition for rehearing; and
  - all other applicable rights afforded to Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

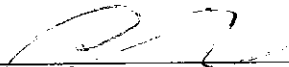
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Phirom Pang, Respondent  
Sun Prairie, WI 53590  
Credential No. 8094-85

10/22/21  
Date



Blush Nail Boutique, Respondent  
By: Phirom Pang, Responsible Licensee  
Sun Prairie, WI 53590  
Credential No. 5382-71

10/22/21  
Date



Megan Reed, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

10/27/2021  
Date