

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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.

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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	OF DEFAULT
NGUYET NGUYEN AND	:	
NAILISTIC OF WISCONSIN LLC,	:	
RESPONDENTS.	:	ORDER 00080 14

Division of Legal Services and Compliance Case Number 19 BAC 095

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

Nguyet Nguyen
Pewaukee, WI 53072

Nailistic of Wisconsin LLC
Milwaukee, WI 53217

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 six citations to which Respondents have made no timely response. 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 Nguyet Nguyen (Birth Year 1965) is licensed in the state of Wisconsin as a cosmetologist, having credential number 92276-82, first issued on March 1, 2011 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 Pewaukee, Wisconsin 53072.

2. Respondent Nailistic of Wisconsin LLC is licensed in the state of Wisconsin as a cosmetology establishment, having credential number 45559-80, first issued on December 26, 2018 and current through March 31, 2023. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53217.

3. Respondent Nguyet Nguyen is identified in Department records as the responsible licensee for Nailistic of Wisconsin LLC.

4. On December 9, 2019, the Department received a complaint alleging that only three of Respondents' employees were licensed and that one employee had bad body odor and did not wash her hands between eating and providing services. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 BAC 095 for investigation.

5. Following an inspection on September 14, 2021, a Division of Legal Services and Compliance (Division) investigator issued six citations to Respondents for violating Wis. Stat. § 454.06(7) and Wis. Admin. Code §§ Cos 3.01(6), Cos 4.01(1), Cos 4.02(4), Cos 4.10(1), and Cos 4.10(2).¹ Service was accomplished by mail. True and correct copies of these citations are attached as Exhibit A and are incorporated herein by reference.

6. Respondents have not paid the citations, which were issued to Respondents on March 18, 2022.

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. Stat. § 454.06(7) by failing to post practitioner licenses in a conspicuous place in the licensed establishment.

3. Respondents violated Wis. Admin. Code § Cos 3.01(6) by failing to store cleaning and disinfecting equipment in an secured location.

4. Respondents violated Wis. Admin. Code § Cos 4.01(1) by maintaining equipment and tools for providing waxing services in an unsanitary and unsafe condition.

5. Respondents violated Wis. Admin. Code § Cos 4.02(4) by failing to store waxing strips and cotton in a covered container.

6. Respondents violated Wis. Admin. Code § Cos 4.10(1) by failing to disinfect reusable manicure instruments.

7. Respondents violated Wis. Admin. Code § Cos 4.10(2) by failing to keep disinfectant used for decontamination in a covered container.

¹ All references to Wis. Admin. Code ch. Cos are to the Code as it existed at the time of the incident.

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

9. Respondents are in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit or otherwise respond to the citations in a timely fashion.

10. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondents for the amount 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 \$900 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Payment may also be submitted online via DSPS' Monitoring Case Management System at:
<https://dspsmonitoring.wi.gov/>

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: 
A Member of the Board

6/13/2022
Date

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190
Madison, WI 53707-7190
FAX #: (608) 266-2264
Phone #: (608) 266-2112

4822 Madison Yards Way
Madison, WI 53705
E-Mail: dsps@wisconsin.gov
Website: http://dsps.wi.gov

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 095</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Nguyet Nguyen</u>	<u>Nailistic of Wisconsin LLC DBA Nailistic</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>92276-82</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>45559-80</u>

<u>6969 N Port Washington Rd</u>	<u>Milwaukee WI</u>	<u>53217</u>
Street	City	Zip
<u>Tuesday</u>	<u>Sep 14, 2021</u>	<u>1:10 pm</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

2nd Offense: Nguyet Nguyen and Nailistic stored cleaning and disinfecting equipment in an unsecured location.

In violation of Section Cos 3.01(6) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 03/18/2022
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 200.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on reverse side of this form.

A Member of the Board

Date

#3053DLSC (02/20)
Ch.454, Stats.

Citation 1 of 6

**Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance**

NOTICE OF RIGHT TO CONTEST

FURTHER NOTICE that within twenty (20) days of the date of service of this citation, the licensee may enter a plea contesting the violation cited and request a hearing on the alleged violation. Submission of a plea contesting violations and requesting a hearing shall be in writing and submitted to the Department of Safety and Professional Services, Division of Legal Services and Compliance, P.O. Box 7190, Madison, WI 53707-7190.

IF THE CREDENTIAL HOLDER DOES NOT MAKE A DEPOSIT OR OTHERWISE RESPOND TO THE CITATION IN A TIMELY FASHION, THE DISCIPLINARY AUTHORITY MAY WITHOUT FURTHER PROCEEDINGS ISSUE AN ORDER OF DEFAULT AGAINST THE CREDENTIAL HOLDER. A DEFAULT ORDER ISSUED UNDER THIS SECTION MAY IMPOSE A FORFEITURE, NOT TO EXCEED THE AMOUNT IDENTIFIED ON THE CITATION. VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS SECTION MAY RESULT IN A REFUSAL TO RENEW CREDENTIAL OR ADDITIONAL DISCIPLINARY ACTION.

If the credential holder requests a hearing but fails to appear at the hearing at the time fixed therefor, the credential holder is in default and the disciplinary authority may make findings and enter an order on the basis of the citation.

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COSMETOLOGY EXAMINING BOARD

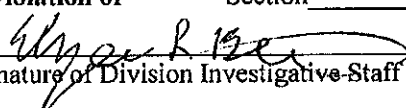
CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 095</u>	FINAL DECISION AND ORDER ORDER # _____
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<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>92276-82</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>45559-80</u>

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Street	City	Zip
<u>Tuesday</u>	<u>Sep 14, 2021</u>	<u>1:10 pm</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Nguyet Nguyen maintained Nailistic's equipment and tools for providing waxing services in an unsanitary and unsafe condition.

In violation of Section Cos 4.01(1) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
 Investigator 03/18/2022
Signature of Division Investigative Staff Title Date
Signature of ☐ Licensee OR ☐ Establishment Owner Date

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A Member of the Board

Date

#3053DLSC (02/20)
Ch.454, Stats.

Citation 2 of 6

**Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance**

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4822 Madison Yards Way
Madison, WI 53705
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Website: http://dsps.wi.gov

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 095</u>	FINAL DECISION AND ORDER
<u>Nguyet Nguyen</u>	ORDER # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name	<u>Nailistic of Wisconsin LLC DBA Nailistic</u>
License # <u>92276-82</u>	<input checked="" type="checkbox"/> Establishment Name
	License # <u>45559-80</u>

<u>6969 N Port Washington Rd</u>	<u>Milwaukee WI</u>	<u>53217</u>
Street	City	Zip
<u>Tuesday</u>	<u>Sep 14, 2021</u>	<u>1:10 pm</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

2nd offense: Nguyet Nguyen and Nailistic did not store waxing strips and cotton in covered containers.

In violation of	Section <u>Cos 4.02(4)</u> of	<input type="checkbox"/> Wis. Stats.	OR	<input checked="" type="checkbox"/> Wis. Adm. Code
<u>[Signature]</u>		Investigator		<u>03/18/2022</u>
Signature of Division Investigative Staff		Title		Date
Signature of	<input type="checkbox"/> Licensee	OR	<input type="checkbox"/> Establishment Owner	Date

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A Member of the Board

Date

#3053DLSC (02/20)
Ch.454, Stats.

Citation 3 of 6

**Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance**

NOTICE OF RIGHT TO CONTEST

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COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 095</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Nguyet Nguyen</u>	<u>Nailistic of Wisconsin LLC DBA Nailistic</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name	<input checked="" type="checkbox"/> Establishment Name
License # <u>92276-82</u>	License # <u>45559-80</u>

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<u>Tuesday</u>	<u>Sep 14, 2021</u>	<u>1:10 pm</u>
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On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Nguyet Nguyen and Nailistic failed to disinfect reusable manicure instruments.

In violation of Section Cos 4.10(1) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code
Nguyet Nguyen and Nailistic Investigator 03/18/2022
Signature of Division Investigative Staff Title Date
Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

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A Member of the Board

Date

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Ch.454, Stats.

Citation 4 of 6

**Wisconsin Department of Safety and Professional Services
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COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 095</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Nguyet Nguyen</u>	<u>Nailistic of Wisconsin LLC DBA Nailistic</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>92276-82</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>45559-80</u>

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Street	City	Zip
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On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

2nd Offense: Nguyet Nguyen and Nailistic failed to keep disinfectant used for decontamination in a covered container.

In violation of Section Cos 4.10(2) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 03/18/2022
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

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Citation 5 of 6

**Wisconsin Department of Safety and Professional Services
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COSMETOLOGY EXAMINING BOARD

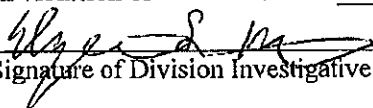
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<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>92276-82</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>45559-80</u>

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Street	City	Zip
<u>Tuesday</u>	<u>Sep 14, 2021</u>	<u>1:10 pm</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

The practitioner licenses for Hoa Thanh Pham, Chi Loan Dang, Thi My Hanh Troung, Thi Kim Oanh, and Cindy Visouka were not posted in the establishment.

In violation of	Section <u>454.06(7)</u> of	<input checked="" type="checkbox"/> Wis. Stats.	OR	<input type="checkbox"/> Wis. Adm. Code
	Investigator	<u>03/18/2022</u>		
Signature of Division Investigative Staff	Title	Date		
Signature of	<input type="checkbox"/> Licensee	OR	<input type="checkbox"/> Establishment Owner	Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 100.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on reverse side of this form.

A Member of the Board

Date

#3053DLSC (02/20)
Ch.454, Stats.

Citation 6 of 6

**Wisconsin Department of Safety and Professional Services
Division of Legal Services and Compliance**

NOTICE OF RIGHT TO CONTEST

FURTHER NOTICE that within twenty (20) days of the date of service of this citation, the licensee may enter a plea contesting the violation cited and request a hearing on the alleged violation. Submission of a plea contesting violations and requesting a hearing shall be in writing and submitted to the Department of Safety and Professional Services, Division of Legal Services and Compliance, P.O. Box 7190, Madison, WI 53707-7190.

IF THE CREDENTIAL HOLDER DOES NOT MAKE A DEPOSIT OR OTHERWISE RESPOND TO THE CITATION IN A TIMELY FASHION, THE DISCIPLINARY AUTHORITY MAY WITHOUT FURTHER PROCEEDINGS ISSUE AN ORDER OF DEFAULT AGAINST THE CREDENTIAL HOLDER. A DEFAULT ORDER ISSUED UNDER THIS SECTION MAY IMPOSE A FORFEITURE, NOT TO EXCEED THE AMOUNT IDENTIFIED ON THE CITATION. VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS SECTION MAY RESULT IN A REFUSAL TO RENEW CREDENTIAL OR ADDITIONAL DISCIPLINARY ACTION.

If the credential holder requests a hearing but fails to appear at the hearing at the time fixed therefor, the credential holder is in default and the disciplinary authority may make findings and enter an order on the basis of the citation.