

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BUREAU OF HEARINGS**

**Bureau of Commercial Services,
Petitioner**

Docket No. 2002-254

Agency No. 27-01-6064

v

**Eastern Nail Studio
Hong M. Nguyen, Owner,
Respondent**

Agency: Bureau of Commercial Services

Case type: Sanction

_____ /

**Issued and entered
this 4th day of June, 2002
by Erick Williams
Administrative Law Judge**

HEARING REPORT

PROCEDURAL HISTORY

This is a default opinion imposing a \$25 fine. A hearing was scheduled for 12 March 2002, to consider the 18 October 2001 complaint against Eastern Nail Studio under the Occupational Code, MCL 339.101 *et seq.* Notice of the hearing was sent to Hong M. Nguyen, Eastern Nail Studio, 3338 Eastern Ave, SE, Grand Rapids. When the hearing convened, Hal Ziegler represented the Bureau of Commercial Services, but no one appeared in behalf of Eastern Nail Studio. Since the notice was sent to the address of record, I find that service was adequate to hold a hearing under the Administrative Procedures Act, MCL 24.201 *et seq.* and issue a ruling in the respondent's absence taking the complaint as true.

ISSUES AND APPLICABLE LAW

MCL 339.1204(6) reads:

The license of the establishment and of each individual working in the establishment shall be displayed in a prominent place which is visible to the public at all times. The license of an individual working in the establishment may be posted at the individual's work station.

MCL 339.1204(1)(d) reads:

The department shall issue a license to a person for the operation of a cosmetology establishment if ... the cosmetology establishment shall be under the daily attendance and supervision of a licensed cosmetologist who is not less than 18 years of age and has had not less than 1 year's practical experience in cosmetology.

FINDINGS OF FACT

The studio was inspected on 11 May 2001. The studio does nails only. The inspector found that a license was not displayed and that no cosmetologist was supervising the studio.

CONCLUSIONS OF LAW

The studio violated MCL 339.1204(6) and MCL 339.1204(1)(d).

RECOMMENDED SANCTION

Since the complaint is minor, and the studio's business is limited to nails, I recommend a \$25 fine, instead of the \$1000 recommended by Mr. Ziegler.

Erick Williams

Docket No. 2002-254
Page 3

Administrative Law Judge

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BOARD OF COSMETOLOGY**

In the matter of :

**EASTERN NAIL STUDIO
HONG M. NGUYEN, OWNER
Cosmetology Establishment
Limited License No. 27-06-116610**

**Docket No. 2002-254
Complaint No. 27-01-6064-00**

FINAL ORDER

WHEREAS, this matter having come before the Michigan Board of Cosmetology, hereafter the "Board", on October 14, 2002; and

WHEREAS, the Board having considered the Findings of Fact and Conclusions of Law in the Hearing Report of Erick Williams, Administrative Law Judge, dated June 6, 2002;

WHEREAS, the Board having received the Hearing Report under MCL 339.514, and Eastern Nail Studio, by Hong M. Nguyen, its owner, License No. 27-06-116610, hereafter "Respondent", having been found in violation of Sections 1204(1)(d); 1204(6) of the Michigan Occupational Code, 1980 P.A. 299, *as amended*, hereafter the "Code", MCL 339.1204(1)(d); MCL 339.1204(6) and

WHEREAS, the hearing report being hereby incorporated by reference; now, therefore,

IT IS HEREBY ORDERED, that the following penalties authorized by Section 602 of the Code are hereby imposed:

- 1. Respondent shall pay a FINE in the amount of One Thousand Dollars and 00/100 Cents (\$1,000.00), said fine to be paid to the Department of Consumer & Industry Services within sixty (60) days from the date of mailing of this Final Order. Said fine shall be paid by cashier's check or money order, with Complaint No. 27-01-6064-00 clearly indicated on the check or money order, made payable to the State of Michigan, and sent to the Department of Consumer & Industry Services, Bureau of Commercial Services, Enforcement Division, P.O. Box 30185, Lansing, Michigan 48909.**

- 2. No application for licensure or relicensure shall be considered until the fine is paid-in-full. Failure of Respondent to comply with any term of this Final Order shall result in a denial of future applications for licensure until such time as all of the terms of this Final Order have been met.**