

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
NAILS PLUS SPA & : **LS0402021BAC**
ANNIE K. TRAN, :
RESPONDENTS. :

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Nails Plus Spa
Annie K. Tran
690 Westfield Way Unit D
Pewaukee, WI 53072

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
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 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

1. **Annie K. Tran** (“Tran”), date of birth 08/05/70, is licensed in the State of Wisconsin as a Manicurist having license # 85 3250. This license was first granted to her on 01/30/98.
2. Tran is listed with the Department of Regulation and Licensing as owner of the Manicuring Establishment Nails Plus Spa, License # 71 1522. The most recent address on file with the Department of Regulation and Licensing for this establishment is 690 Westfield Way Unit D, Pewaukee, WI 53072.
3. As owner, Tran was responsible for the daily operations of the establishment and for ensuring that the establishment was in compliance with Wis. Stats. chapter 454 and Admin. Code chapters BC 2, and BC 4.
4. On or about July 11, 2003, an inspection of Nails Plus Spa was performed by an investigator from the Department of Regulation and Licensing. During the inspection the investigator found the following:
 - a. Three employees were providing manicuring services to the public without a valid or current Wisconsin manicuring license, they were: Alicia Souvannasane; Loc Tran; and Steve (no last name).
 - b. using a common acrylic powder bowl on multiple clients;
 - c. using a common liquid polymer bowl on multiple clients;
 - d. Disposable manicuring equipment was not being disposed of properly in that used disposable nail files

and buffers were being reused; and

- e. failed to properly sanitize pedicure bowls.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondents **Annie K. Tran and Nails Plus Spa** have violated:
 - a. Wisconsin Statutes section 454.15(2)(i) and Wisconsin Administrative Code section BC 2.04(1) by authorizing employees to provide services to clients without valid or current Wisconsin manicuring licenses;
 - b. Wisconsin Administrative Code sections BC 4.02(5) by failing to dispense all liquids, creams, powders and semi-solids substances from a container which prevents contamination of the unused portion;
 - c. Wisconsin Administrative Code section BC 4.02(4) by reusing disposable manicuring equipment; and
 - d. Wisconsin Administrative Code section BC 4.01(1) by failing to properly sanitize pedicure bowls.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Annie K. Tran** shall pay to the Department of Regulation and Licensing a forfeiture of THREE THOUSAND FOUR HUNDRED FIFTY dollars (\$3,450.00).

IT IS FURTHER ORDERED, that in the event **Annie K. Tran** fails to timely submit payment of the forfeiture as set forth below, the Manicurist license # 85 3250 SHALL BE SUSPENDED, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Annie K. Tran**, pay partial costs in this matter in the amount of **\$550.00**.

IT IS FURTHER ORDERED, that in the event Respondent **Annie K. Tran** fails to pay the \$550.00 partial costs within the time and manner as set forth below, then and in that event, and without further notice to the Respondent **Annie K. Tran**, her Manicurist license # 85 3250 SHALL BE SUSPENDED without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that a \$500.00 down payment shall be submitted within thirty (30) days from the date of this order and payments of \$500.00 will be due on the first of every consecutive month there after until the full \$4,000.00 is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that file, 03 BAC 041 be, and hereby is, closed as to all respondents.

Dated this 2nd day of February, 2004.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer