

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

BICHYEN T TRAN,
d/b/a NAILS BY BIC,
RESPONDENT

FINAL DECISION AND ORDER
96 BAC 108

LS9708045 BAC

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Bichyen T. Tran
d/b/a Nails by Bic
2231 Parmenter St.
Middleton, WI 53562

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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 decision 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. Nails by Bic, 2231 Parmenter St., Middleton, WI 53562, is duly licensed as a manicuring establishment in the state of Wisconsin (license #732). This license was first granted on June 13, 1996.
2. Bichyen T. Tran, 2911 Cobo St., Madison, WI 53713, is listed with the Department of Regulation and Licensing as the owner of Nails by Bic. As owner, Ms. Tran was and is responsible for compliance with ch. 454, Stats. and chapters BC 2, 3 and 4 of the Wisconsin Administrative Code.

3. On exact dates unknown, but at least on August 2, 1996, Nails by Bic employed Ms. Kim Tran, who did not hold a valid Wisconsin manicurist license, to provide manicuring services to the public.

4. On exact dates unknown, but at least on August 2, 1996, Nails by Bic had no sink in the salon for cleaning equipment and had no disinfectant at the manicuring table.

5. In resolution of this matter, Ms. Tran consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶ 3 and 4, above, Bichyen T. Tran, as owner of Nails by Bic, 2231 Parmenter St., Middleton, WI 53562, has violated secs. 454.04(1)(d) and 454.15(2)(i), Stats. and Wis. Admin. Code § BC 2.04, 2.06(1), 3.01(6) and 4.10(1)(a).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Bichyen T. Tran, shall pay to the Department of Regulation and Licensing a forfeiture of THREE HUNDRED dollars (\$300.00). Payment shall be submitted within thirty (30) days from the date of this order.

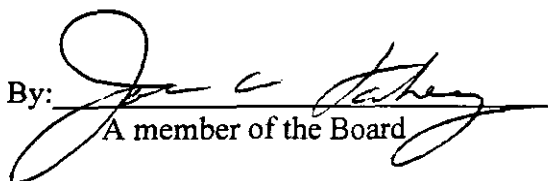
Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

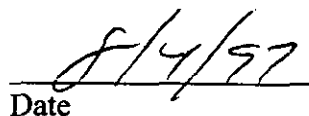
Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Bichyen T. Tran fails to timely submit payment of the forfeiture as set forth above, the establishment license of Nails by Bic **SHALL BE SUSPENDED**, without further notice or hearing, until Ms. Tran has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By: 
A member of the Board


Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

BICHYEN T. TRAN,
d/b/a NAILS BY BIC,
RESPONDENT

:
: STIPULATION
: 96 BAC 108
:

It is hereby stipulated between Bichyen T. Tran, on behalf of Nails by Bic, and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (96 BAC 108). Ms. Tran consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Tran understands that by the signing of this Stipulation she voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against her 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

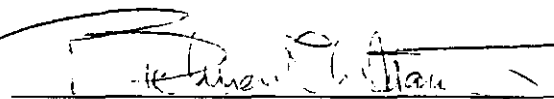
3. Ms. Tran is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Tran agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining 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 attached order, if adopted in the form as attached.

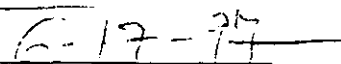
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties 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 for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Tran in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



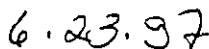
Bichyen T. Tran
d/b/a Nails by Bic



Date



Steven M. Gloe, Attorney
Division of Enforcement



Date

Department of Regulation & Licensing

State of Wisconsin

P O Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On August 4, 1997, the Barbering and Cosmetology Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$300.00 Case # LS9708045BAC

Please submit a check or a money order in the amount of \$ 300.00

The costs and/or forfeitures are due: September 3, 1997

NAME: Bichyen T. Tran, dba Nails by Bic LICENSE NUMBER: 732

STREET ADDRESS: 2231 Parmenter Street

CITY: Middleton STATE: WI ZIP CODE: 53562

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Bichyen T. Tran,
d/b/a Nails By Bic,

Respondent.

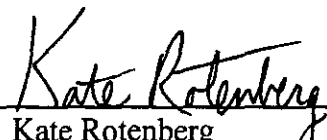
AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 7, 1997, I served the Final Decision and Order dated August 4, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9708045BAC, upon the Respondent Bichyen T. Tran, d/b/a Nails By Bic, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 430.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:


Bichyen T. Tran,
d/b/a Nails By Bic
2231 Parmenter Street
Middleton WI 53562



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 7th day of August, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

August 7, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)