

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

MENG PHY TRANN,
d/b/a/ L A NAILS,
RESPONDENT.

FINAL DECISION AND ORDER
96 BAC 029 & 96 BAC 054

LS9708046 BAC

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

Meng Phy Trann
L A Nails
2410 Rose Street
La Crosse, WI 54601

Bureau of Business and Design Professions
Barbering and Cosmetology Examining Board
Post Office 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 these matters, 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. Meng Phy Trann (DOB 05/12/69), 1850 Adams Street, #502, Mankato, MN 56001, is duly licensed in the State of Wisconsin as a barbering and cosmetology manicurist, license # 2126, which license was granted on October 3, 1995.

2. L A Nails, 2410 Rose Street, La Crosse, WI 54601 is duly licensed in the State of Wisconsin as a barbering and cosmetology manicuring establishment, license # 634. This establishment license was granted on January 19, 1996.

3. On February 28, 1996, Ms. Trann operated the establishment referred to in ¶2, above, with an unlicensed person, Thyong Tran, performing services as observed by Investigator Johnson.

4. On April 1, 1996, Ms. Trann operated the establishment referred to in ¶2, above without cleaning or disinfecting cuticle scissors or other manicuring implements between patrons as observed by Diane Dingman, a customer.

5. On July 24, 1996, Ms. Trann operated the establishment referred to in ¶2, above with 3 unlicensed persons; Deo Phan Thanh, Cong Phan Thanh and Dung Tong Nguyen performing services. The salon also did not have an EPA registered tuberculocidal disinfecting agent on hand nor was the required body fluid exposure protocol posted as observed by Investigator Johnson.

6. On October 10, 1996, Ms. Trann operated the establishment referred to in ¶2, above with 3 unlicensed persons; Binh T. Thanh, Cong Phan Thanh and Thenh Deo Phan performing services. The salon also did not have an EPA registered tuberculocidal disinfecting agent on hand as observed by Investigator Johnson.

7. During the periods of time referred to in ¶¶3, 4, 5 & 6 above, Ms. Trann was the sole owner of L A Fancy Nails. As owner, Ms. Trann was and is responsible for compliance with licensure laws and regulations concerning the operation of her establishment.

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

CONCLUSIONS OF LAW

Meng Phy Trann, by the conduct referred to in ¶¶2 through 8, above, has variously violated Wis. Statutes § 454.04 (1)(d), aiding and abetting the unlicensed practice of manicuring; violated § BC 4.10 (1)(b), Wis. Adm. Code, failure to use an EPA registered tuberculocidal disinfectant on manicure instruments; violated § BC 4.05 (2), Wis. Adm. Code, failure to post a written protocol describing the unintentional exposure to body fluids; violated § BC 4.02 (2), Wis. Adm. Code, failure to wash and disinfect manicure instruments between customers.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Meng Phy Trann shall pay to the Department of Regulation and Licensing a forfeiture of THREE THOUSAND dollars (\$3,000.00). Payment shall be submitted no later than sixty (60) days from the date of this order.

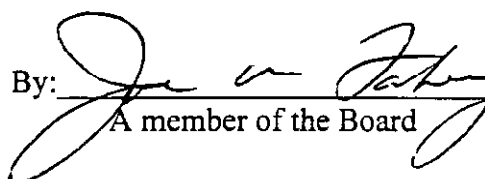
Payment shall be by cashiers check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

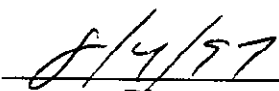
Wisconsin Department of Regulation and Licensing
Attn: Michelle Neverman, Department Monitor
P.O. Box 8935
Madison, WI 53708

IT IS FURTHER ORDERED that in the event Respondent Meng Phy Trann fails to timely submit payment of the forfeiture as set forth above, or to request and obtain an extension from the Board, the establishment license of L A Nails, 2410 Rose Street, La Crosse, WI 54601 SHALL BE SUSPENDED, without further notice or hearing, until Ms Trann 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 THE DISCIPLINARY
PROCEEDINGS AGAINST

MENG PHY TRANN,
d/b/a/ L A NAILS
RESPONDENT.

: STIPULATION
96 BAC 029 & 96 BAC 054
:
:

It is hereby stipulated between Meng Phi Tran, personally on her own behalf and on behalf of L A Nails; and Henry E. Sanders, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of 2 pending investigations by the Division of Enforcement (96 BAC 029 & 96 BAC 054). Ms. Trann consents to the resolution of these investigations by stipulation and without the issuance of formal complaints.

2. Ms. Trann understands that by the signing of this Stipulation she voluntarily and knowingly waives her 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. Trann 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. Trann 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. Respondent waives 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 to contend that the Board has not 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 Board assigned as advisor in

these investigations 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. Trann in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Meng Phyl Trann
Meng Phyl Trann, Respondent

6-16-97
Date

L A Nails, Respondent
by Meng Phyl Trann

6-16-97
Date

Henry E. Sanders
Henry E. Sanders, Attorney
Division of Enforcement

6/20/97
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: \$3,000.00 Case # LS9708046BAC

Please submit a check or a money order in the amount of \$ 3,000.00

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

NAME: Meng Phy Trann, dba L A Nails LICENSE NUMBER: 2126

STREET ADDRESS: 2410 Rose Street

CITY: La Crosse STATE: WI ZIP CODE: 54601

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

Meng Phy Trann,
d/b/a L A Nails,

AFFIDAVIT OF MAILING

Respondent.

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, LS9708046BAC, upon the Respondent Meng Phy Trann, d/b/a L A Nails, 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 221 157 431.

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:

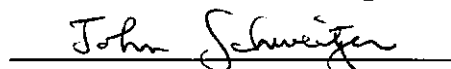
Meng Phy Trann,
d/b/a L A Nails
2410 Rose Street
La Crosse WI 54601



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.)