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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST
DONALD V. TRAN
D/B/A BEST NAILS,
RESPONDENTS.

FINAL DECISION AND ORDER

LS9812079BAC

Division of Enforcement Case No. 95 BAC 130, 96 BAC 003 and 98 BAC 018

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

Donald V. Tran
Best Nails
92 East Towne Mall
Madison, WI 53704

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. Best Nails, 92 East Towne Mall, Madison, WI 53704, is duly licensed as a manicuring establishment in the state of Wisconsin (license #520). This license was first granted on July 19, 1995. Donald V. Tran is listed with the Department of Regulation and Licensing as the owner of Best Nails. As owner, Mr. Tran is and was at all times relevant to this action responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.
2. On exact dates unknown, but at least on December 3, 1996 and March 27, 1998, Best Nails did not possess a disinfectant registered with the United States environmental protection agency as a tuberculocidal agent.
3. On exact dates unknown, but at least on March 27, 1998, Best Nails did not, prior to use, disinfect or sterilize reusable manicure instruments.
4. In resolution of this matter, Mr. Tran consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶¶ 2-3, above, Donald V. Tran, d/b/a Best Nails, violated sec. 454.15(2)(i) and Wis. Admin. Code § 4.10.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Donald V. Tran, d/b/a Best Nails, shall pay to the Department of Regulation and Licensing a forfeiture of THREE HUNDRED dollars (\$300.00). Payment shall be submitted within 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
PO Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that in the event Respondents fail to timely submit any payment of the forfeiture as set forth above, the establishment license of Best Nails (#520) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

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

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: John Fahey 12/7/98

A member of the Board Date

