

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
VINH TRAN, OWNER : LS03030314BAC
D/B/A CHERI NAILS, :
RESPONDENTS :

Division of Enforcement Case No. 01BAC100

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

Vinh Tran, owner/practitioner
D/B/A Cheri Nails
1810 Silvernail Road
Pewaukee, WI 53072

Barbering and Cosmetology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and finds it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Vinh Tran, owner and practitioner, D/B/A Cheri Nails, 1810 Silvernail Road, Pewaukee, WI 53072, is currently licensed as a manicuring establishment in the State of Wisconsin (establishment license #711805 granted on 1/31/01).
2. Vinh Tran is duly licensed as a manicurist in the State of Wisconsin (practitioner's license #854402 granted on 1/12/01).
3. During a routine inspection of Cheri Nails salon on October 2, 2002, the investigator for the State of Wisconsin observed several licensing violations (stated above), as well as the negligent practice of using nail acrylic containing Methyl Methacrylate (MMA).
4. Vinh Tran, D/B/A Cheri Nails conducted aesthetic services without an aesthetician's practitioner's license and without an establishment license for aesthetics.
5. Vinh Tran, D/B/A Cheri Nails, assisted in the unlicensed practice of manicuring by allowing Calvin J. Nguyen to work on nails at Cheri Nails without being licensed as a manicurist in the State of Wisconsin.
6. Vinh Tran, D/B/A Cheri Nails, engaged in the negligent practice of manicuring by using nail acrylic containing methyl methacrylate (MMA).
7. According to the Department of Regulation and Licensing records, Vinh Tran, D/B/A Cheri Nails, 1810 Silvernail Road, Pewaukee, WI 53072, owner and practitioner of Cheri Nails, is duly licensed in the State of Wisconsin as a manicuring practitioner (license #854310 granted on 10/9/00). As owner (manicuring establishment license #711805 granted on 1/31/01), and practitioner of Cheri Nails, Vinh Tran was and is, at all times relevant to this action, responsible for compliance with Wisconsin Statute, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters BC 2, 3 and 4.
8. In resolution of this matter, Respondents, Vinh Tran, D/B/A Cheri Nails, consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Vinh Tran, owner/practitioner, D/B/A Cheri Nails, violated Wisconsin Statutes, Sec. 454.04(1)(b), 454.04(1)(d), 454.08(1)(b), the Wisconsin Administrative Code for Barbering and Cosmetology BC 2.03(1), 2.03(2), 2.03(5), 2.04(1), and 3.01(1).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that:

1. Vinh Tran, owner/practitioner D/B/A Cheri Nails, **shall** immediately CEASE all business at Cheri Nails until full compliance with all aspects and sections of the Wisconsin Statutes and the Wisconsin Administrative Code for Barbering and Cosmetology have been obtained.

2. Respondent's shall not assist in the unlicensed practice of manicuring, shall not practice aesthetics without an aesthetic establishment license and duly licensed practitioners with aesthetician's licenses from the State of Wisconsin. Respondents SHALL immediately CEASE using nail acrylics containing Methyl Methacrylate (MMA).

3. Vinh Tran, owner/practitioner D/B/A Cheri Nails **shall** pay to the Department of Regulation and Licensing, a forfeiture of FOUR THOUSAND DOLLARS (\$4,000.00) pursuant to the following schedule:

Payment of \$100.00 shall be made on the 15th day of May 2003 and on the 15th day of each month thereafter until payment of \$4,000.00 (FOUR THOUSAND DOLLARS) is paid in full.

4. *Payment **shall** be made by certified check or money order, payable to:*

Wisconsin Department of Regulation and Licensing

Department Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

In the event that Respondents, Vinh Tran, D/B/A Cheri Nails, fails to comply with the conditions set forth within the Stipulation and Order, the manicuring practitioner's license (#854402) of Vinh Tran and the establishment license of Cheri Nails (#711805) 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: Barbara Flaherty
Board Member

3-3-03
Date