

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
 : 02 BAC 075
NAILS PLUS SPA & :
ANNIE K. TRAN, :
RESPONDENTS. : LS0306027BAC

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 October 29, 2002, 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. Disinfectant found on workstations was cloudy/dirty.

b. Poisonous substances were not stored in a locked cabinet or closet.

c. Disposable manicuring equipment was not being disposed of properly in that used disposable nail files and buffers were being reused.

d. using a common acrylic powder bowl on multiple clients.

e. no written protocol describing the procedure for exposure to bodily fluids.

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 sections BC 2.06 and BC 4.10(1)(b) by failing to change disinfectant daily.

b. Wisconsin Administrative Code section BC 3.01(6) by not having poisonous substances stored in a locked cabinet or closet.

c. Wisconsin Administrative Code section BC 4.02(4) by reusing disposable manicuring

equipment

d. Wisconsin Administrative Code section BC 4.02(4) by using a common acrylic powder bowl on multiple clients.

e. Wisconsin Administrative Code section BC 4.05(2) by not having a written protocol describing the procedure for exposure to bodily fluids posted.

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 FOUR HUNDRED dollars (\$400.00). Payment shall be submitted within sixty (60) 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, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event **Annie K. Tran** fails to timely submit payment of the forfeiture as set forth above, the Manicurist license # 85 3250 SHALL BE SUSPENDED, without further notice or hearing, until respondent has complied with the terms of this Order.

IT IS FURTHER ORDERED, that file, 02 BAC 075 be, and hereby is, closed as to all respondents.

Dated this 2nd day of June, 2003.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon Lauer