

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
DANNY W. TRAN, BEST NAILS,	:	AND ORDER
RESPONDENTS	:	LS0503075BAC

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

Danny Q. Tran
79 East Towne Mall
Madison, WI 53704

Best Nails
79 East Towne Mall
Madison, WI 53704

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. **Best Nails**, is licensed as a manicuring establishment in the State of Wisconsin having license # 071 002452. This license was first granted to the establishment on 04/13/04 and is current through 06/30/05.
2. **First Lady Nails** most recent address on file with the Department of Regulation and Licensing (“Department”) is 79 East Towne Mall, Madison, Wisconsin 53704.
3. **Danny Q. Tran**, date of birth 03/05/61, is the listed owner of **Best Nails**. According to Department Records, **Danny Q. Tran** is licensed as a manicurist in the State of Wisconsin having license #085 005608. This license was first granted to him on 03/25/04 and is current through 06/30/05.
4. **Danny Q. Tran’s** most recent address on file with the Department is 5209 Oak Valley Drive, Madison, Wisconsin 53704.
5. As owner, **Danny Q. Tran** was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454 and the Wisconsin Administrative Code for Barbering and Cosmetology Chapters 2, 3 and 4.
6. On or about September 15, 2004, an inspection of **Best Nails** was performed by two investigators from the Department. The inspection revealed the following sanitation violations:

poisonous materials were not being locked up and stored away from the public;

a UV sterilizer was being used for storing manicuring implements;

three workstations had used nail files and buffers in drawers; and

a copy of “Procedures For Exposure To Blood or Bodily Fluids” was not posted in the establishment.

8. The inspection also revealed a used one-quarter container of Diamond Liquid nail acrylic that contained the illegal substance of methyl methacrylate (MMA).

9. The inspection also revealed that waxing services were being provided at Best Nails. Department records indicate that neither Best Nails nor its employees has an aesthetics license to provide such services.

10. In resolution of this matter, **Danny Q. Tran and Best Nails** consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. Sec. 454.15,

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5),

3. Respondents **Danny Q. Tran and Best Nails**, have violated:

a. Wisconsin Stat. section 454.04(1)(b) and Wisconsin Administrative Code BC section 2.04 (1) by providing aesthetics services without an aesthetics license;

b. Wisconsin Administrative Code BC section 2.03(9) by using nail acrylic that contained MMA;

c. Wisconsin Administrative Code BC section 3.01(6) by failing to store poisonous substances in a locked cabinet or closet;

d. Wisconsin Administrative Code BC section 4.01(3) and 4.10(4) by failing to dispose of used nail files and buffers at three workstations;

e. Wisconsin Administrative Code BC section 4.03 (1) by improperly using a UV sterilizer to store manicuring implements;

f. Wisconsin Administrative Code BC section 4.05(2) by failing to post a copy of “Procedures For Exposure To Blood or Bodily Fluids” in the establishment.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **SEVEN HUNDRED DOLLARS (\$700.00)**.

IT IS FURTHER ORDERED, that a down payment of **THREE HUNDRED DOLLARS (\$300.00)** shall be submitted within thirty (30) days from the date of this order and four payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be due three months until the full **TWO THOUSAND THREE HUNDRED DOLLARS** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitoring Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event **Danny Q. Tran** or **Best Nails** fails to timely submit payment of the forfeiture and partial costs as set forth above, **Danny Q. Tran's** Manicurist License # 085 005608 and **Best Nails** Manicuring Establishment License # 071 002452 **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that files, 03 BAC 045, 03 BAC 085, 04 BAC 049, 04 BAC 053 be, and hereby is, closed as to **Danny Q. Tran** and **Best Nails**.

Dated this 7th day of March, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

Leon Lauer