

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
	:	
NGA T. TRAN,	:	LS0509129BAC
TIP ON NAILS	:	
	:	
RESPONDENTS	:	

Division of Enforcement Case File #: 03 BAC 089 and 04 BAC 054

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Attn: Nga T. Tran
Tip On Nails
2400B Rapids Drive
Racine, WI 53404

Nga T. Tran
6840 Middle Road
Apt. 2
Racine, WI 53402

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

PROCEDURAL HISTORY

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. Tip on Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001515. This license was granted on 10/12/99.
2. Tip on Nails most recent address on file with the Department of Regulation and Licensing (“Department”) is: 2400B Rapids Drive, Racine, Wisconsin 53404.
3. Nga T. Tran, date of birth 08/15/68, is the listed owner of Tip on Nails. According to Department Records,

Ms. Tran is licensed as a manicurist in the State of Wisconsin having license # 085 03002. This license was first granted to Ms. Tran on 08/01/97.

4. Ms. Tran's most recent address on file with the Department is: 6840 Middle Road, Apt. 2, Racine, Wisconsin 53402.

5. As owner, Ms. 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 August 12, 2003, the Department received an anonymous complaint alleging that Tip on Nails was being kept in an unsanitary condition.

7. On or about June 23, 2004, the Department received another complaint alleging that Tip on Nails acted unprofessionally when the Complainant asked for a receipt after receiving manicuring services and was denied her request. The complaint also alleged sanitation violations.

8. On or about May 24, 2005, an inspection of Tip on Nails was performed by an investigator with the Department. The inspection revealed that Huyen Nguyen was providing manicuring services without a manicuring credential. The inspection also revealed the following sanitation violations:

[f]our thirty-two (32) ounce containers of Diamond Liquid nail acrylic, which listed methyl methacrylate monomer (MMA) as an ingredient, was located in the salon;
toilet cleaner was being stored in an unlocked cabinet in the public restroom;
used disposable nail files were located at two workstations;
clean metal implements were stored in a drawer containing used disposable nail files; and
no supply of bandages were found in the salon.

9. Ms. Tran was asked by the investigator about the allegation that a patron had been refused a receipt of services after requesting one. Ms. Tran stated that Tip on Nails does not give out receipts to any patrons. However, Ms. Tran refuted the allegation that anyone had ever asked for a receipt of services.

10. In resolution of this matter, Nga T. Tran and Tip on Nails consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

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

3. Respondents Nga T. Tran and Tip on Nails have violated:

- a. Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by permitting an employee to provide manicuring services without a manicuring credential;
- b. Wis. Admin. Code § BC 2.03(9) by possessing four containers of nail acrylic that contained the ingredient methyl methacrylate monomer (MMA);
- c. Wis. Admin. Code §§ BC 2.03 (1) ; 3.01(1); and 4.01(1) by failing to keep the establishment in a clean, safe, and sanitary condition;
- d. Wis. Admin. Code § BC 3.01(6) by failing to store a poisonous substance in a locked cabinet or closet;

- e. Wis. Admin. Code §§ BC 4.02(4) and 4.10(4) by failing to separate clean manicuring implements from used manicuring implements and failing to dispose of disposable manicuring implements; and
- f. Wis. Admin. Code § BC 4.04(2) by failing to keep a supply of bandages in the salon.

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 **TWO THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)**.

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 **FIVE HUNDRED DOLLARS (\$500.00)** shall be submitted thirty (30) days from the date of this order and five more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will due in months from the previous payment until the full **THREE THOUSAND DOLLARS (\$3,000.00)** is paid. Payments shall be in **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
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED, that in the event that Nga T. Tran and Tip on Nails fail to timely submit payment of the forfeiture and costs as set forth above, Nga T. Tran's manicuring license (#085 03002) and the establishment license for Tip on Nails (#071 001515) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said 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 089 and 04 BAC054, be and hereby is, closed as to all Respondents.

Dated this 12th day of September, 2005.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer