

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**
NINI K. TRAN. :
NINI NAILS. : **LS0704026BAC**
RESPONDENTS. :

Division of Enforcement Case File #: **06 BAC 074**

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

Nini K. Tran
676 S. Whitney Way
Madison, WI 53711

Nini Nails
676 S. Whitney Way
Madison, WI 53711

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. Nini Nails is licensed as a manicuring establishment in the State of Wisconsin having license #071 001741. This license was first granted on 09/12/00.
2. Nini Nails' most recent address on file with the Department of Regulation and Licensing ("Department") is: 676 S. Whitney Way, Madison, Wisconsin 53711.
3. Nini K. Tran, date of birth 05/12/65, is the listed owner of Nini Nails. According to Department Records, Ms. Tran is licensed as a manicurist in the State of Wisconsin having license # 085 004101. This license was first granted to Ms. Tran on 04/10/00.
4. Ms. Tran's most recent business address on file with the Department is: 676 S. Whitney Way, Madison, Wisconsin 53711.

5. As an 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 and 4.

6. On or about June 20, 2006, the Department received a consumer complaint alleging that unlicensed persons were providing manicuring services at Nini Nails.

7. On or about September 25, 2006, an inspection of Nini Nails was performed by a Department investigator. The inspection revealed that Kim Tri Than was providing manicuring services without a Wisconsin manicurist license.

8. The September 25, 2006 inspection also revealed the following sanitation violations:

workstation surfaces were not clean due to nail dust residue being present; and

used emery boards and nail buffers were being used on more than one patron.

9. Department records indicate that Ms. Kim Thi Tran was granted a manicurist license, #085-6579. This license was granted on October 26, 2006.

10. In resolution of this matter, Nini K. Tran and Nini 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 Nini K. Tran and Nini Nails, have violated:

a. Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § BC 2.04(1) by permitting an unlicensed person to provide manicuring services;

b. Wis. Admin. Code § BC 4.01(1) by failing to maintain the establishment in a clean, sanitary, and safe condition.

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 ONE HUNDRED DOLLARS (\$1,100.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **SIX HUNDRED DOLLARS (\$600.00)**.

IT IS FURTHER ORDERED, that a down payment of **SEVEN HUNDRED DOLLARS (\$700.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **FIVE HUNDRED DOLLARS (\$500.00)** will be made every three months from the date of the order until the full **ONE THOUSAND SEVEN HUNDRED DOLLARS** is paid.

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
Telephone 608-261-7904
Fax 608-266-2264

IT IS FURTHER ORDERED, that in the event that Nini K. Tran and Nini Nails fails to timely submit payment of the forfeiture and costs as set forth above, Nini K. Tran manicurist license #085 004101 and Nini Nails Manicuring Establishment license #071 001741 **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 file, 06 BAC 074 be, and hereby is, closed as to all Respondents.

Dated this 2nd day of April, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush