

# 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/wscqa>.
- 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](mailto: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**  
**TUYET T. TRAN.** :  
**NAIL ART.** : **LS0706046BAC**  
**RESPONDENTS.** :

---

Division of Enforcement Case File #: **06 BAC 047**

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

Attn: Tuyet T. Tran  
854 Fox Point Plaza  
Neenah, WI 54956

Nail Art  
854 Fox Point Plaza  
Neenah, WI 54956

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. Nail Art is licensed as a manicuring establishment in the State of Wisconsin having license #071 002761. This license was first granted on 08/12/05.
2. Nail Art's most recent address on file with the Department of Regulation and Licensing ("Department") is: 854 Fox Point Plaza, Neenah, Wisconsin 54956.
3. Tuyet T. Tran, d.o.b. 12/17/53, is listed as the owner of Nail Art. Ms. Tran is licensed as a manicurist having license #085-003244. This license was first granted on 01/21/98.
4. Ms. Tran's most recent business address on file with the Department for Nail Art is: 854 Fox Point Plaza, Neenah, Wisconsin 54956.

5. As the owner of Nail Art, 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 May 3, 2006, the Department received a consumer complaint alleging that unlicensed employees were providing manicuring services at Nail Art. The complaint also alleged that Nail Art was unsanitary.

7. On or about October 11, 2006, an inspection of Nail Art was performed by a Department investigator. The investigator confiscated one opened bottle of liquid nail acrylic containing methyl methacrylate monomer (MMA).

8. The October 11, 2006 inspection also revealed the following sanitation violations:
- dirty nail implements were being kept in the same drawer as clean nail implements;
  - used disposable nail files were being kept for re-use in drawers; and
  - poisonous substances were being kept in a shelf in the public restroom instead of being stored in an unlocked cabinet.

9. In resolution of this matter, Tuyet T. Tran and Nail Art 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 Tuyet T. Tran and Nail Art, have violated:
  - a. Wis. Stat. § 454.15 (2)(c) and Wis. Admin. Code § BC 2.03(9) by using a state prohibited substance for manicuring care: methyl methacrylate monomer (MMA) on patrons at Nail Art; and
  - b. Wis. Admin. Code § BC 3.01(6) by failing to store poisonous substances in a locked cabinet or closet in Nail Art's public restroom;
  - c. Wis. Admin. Code § BC 4.02(4) by failing to separate dirty nail implements from clean nail implements; and
  - d. Wis. Admin. Code § BC 4.10(4) by failing to dispose of nail files that have been re-used and cannot be properly cleaned and disinfected or sterilized.
4. Based on the above-noted violations, Nail Art has not been kept in a clean, sanitary, and safe condition pursuant to Wis. Admin. Code BC §§ 3.01(1) and 4.01 (1).

### 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 DOLLARS THREE HUNDRED DOLLARS (\$1,300.00)**.

IT IS FURTHER ORDERED, that Respondents shall jointly and severally pay costs in this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **SIX HUNDRED DOLLARS (\$600.00)** shall be submitted within thirty (30) days from the date of this order and two more payments of **SIX HUNDRED DOLLARS (\$600.00)** will be due every three months from the date of the order until the full **ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00)** 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 if the Respondents fail to timely submit payment of the forfeiture and costs as set forth above, Tuyet T. Tran's manicurist license #085 003244 and Nail Art's Manicuring Establishment license #071 002761 **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 047 be, and hereby is, closed as to all Respondents.

Dated this 4th day of June, 2007.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush