

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
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