

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
NINI K. TRAN. : LS0802047BAC  
NINI NAILS. :  
RESPONDENTS. :

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Division of Enforcement Case File #: 07 BAC 083

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

Nini K. Tran  
676 S. Whitney Way A2  
Madison, Wisconsin 53719

Nini Nails  
676 S. Whitney Way A2  
Madison, Wisconsin 53719

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 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 A2, Madison, Wisconsin 53719.
3. Nini K. Tran, date of birth: 05/12/65, is listed as the owner of record for Nini Nails. Department records

indicate that Ms. Tran holds a manicurist license, #085-04101. This license was first granted on 04/10/00.

4. Ms. Tran's most recent business address on file with the Department is: 676 S. Whitney Way A2, Madison, Wisconsin 53719.

5. As the listed owner of record, 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 3, and 4.

6. On or about May 9, 2007, an inspection was conducted of Nini Nails by a Department investigator. The inspection was being conducted in accordance with the Department's Barbering and Cosmetology Initiative Inspection Sweep. The May 9, 2007 inspection revealed waxing and facial services were being advertised and provided in the salon by Ms. Tran, who held a temporary aesthetician permit. Department records do not indicate that an aesthetics establishment license had been issued to Nini Nails for waxing and facial services to be provided within the establishment.

7. The May 9, 2007 inspection also revealed a one gallon container of acrylic liquid containing the ingredient of methyl methacrylate monomer (MMA).

8. One sanitation violation was also noted during the May 9, 2007 inspection: one workstation drawer contained clean implements mixed in with non-manicuring implements, which comprises the integrity of the clean implements.

9. This case is the second formal disciplinary action against Nini K. Tran and Nini Nails. The first case of formal disciplinary action was: LS0704026BAC, April 2, 2007.

10. In resolution of this matter, Nini K. Tran and Nini Nails consent to 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. § 454.08 (1)(b) and Wis. Admin. Code §§ BC 2.04(1); 2.045(1) 2.05(1) and 3.01(1) by advertising and providing aesthetics services without first obtaining an aesthetics establishment license;
- b. Wis. Stat. § 454.15(2)(c)(i) and Wis. Admin. Code § BC 2.03(9) by using a state prohibited substance for manicuring care-methyl methacrylate monomer (MMA) on patrons at Nini Nails; and
- c. Wis. Stat. § 454.15(2)(c)(i) and Wis. Admin. Code § BC 4.02(4) by failing to keep clean manicuring implements separate from other non-manicuring implements so that the integrity of the clean implements are not jeopardized.

## **ORDER**

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

IT IS FURTHER ORDERED, that the Respondents are hereby **REPRIMANDED** for the violations set forth above.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)**.

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 **EIGHT HUNDRED DOLLARS (\$800.00)** shall be submitted within thirty (30) days from the date of this order and three more payments of **SIX HUNDRED DOLLARS (\$600.00)** will be made every sixty (60) days from the previous payment until the full **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)** 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 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 Nini K. Tran and Nini Nails fail to timely submit payment of the forfeiture and costs as set forth above, the manicurist license for Nini K. Tran (#085 4101), and the manicuring establishment license for Nini Nails (# 071 1741) **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 file 07 BAC 083, be and hereby is, closed as to all Respondents.

Dated this 4<sup>th</sup> day of February, 2008.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: Jeannie M. Bush