

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION
NAIL ARTS OF RACINE, LLC,	:	AND ORDER
AND TAN MINH TRAN,	:	
RESPONDENTS	:	LS09020211BAC

Division of Enforcement Case File # 08 BAC 018

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Nail Arts of Racine, LLC
5516 Durand Avenue
Racine, WI 53406

Tan Minh Tran
5516 Durand Avenue
Racine, WI 53406

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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 Wisconsin Barbering and Cosmetology Examining Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Nail Arts of Racine, LLC is licensed in the State of Wisconsin as a Manicuring Establishment having license # 71-3096, which was first granted on May 1, 2007. Nail Arts of Racine, LLC is also licensed in the State of Wisconsin as an Aesthetics Establishment having license # 69-595, which was first granted on May 1, 2007. Nail Arts of Racine’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 5516 Durand Avenue, Racine, WI 53406.
2. Tan Minh Tran is licensed in the State of Wisconsin as a Manicurist having license # 85-2808. This license was first granted on February 19, 1997. Mr. Tran’s most recent address on file with the Department is 5516 Durand Avenue, Racine, WI 53406.
3. Department Investigator Michelle J. Krisher conducted an inspection of Nail Arts of Racine, LLC on October 9, 2008, and she identified the following violations of sanitation rules for manicuring establishments:
 - a. Used and/or dirty nail files stored in workstation drawers, contrary to section BC 4.10 (4) of the Wisconsin Administrative Code.
 - b. Metal nail implements were found in workstation drawers mixed in with other non-manicuring items, including

money, contrary to sec. BC 4.01 (1), Wis. Admin. Code.

c. Metal implements were stored in workstation drawers containing nail dust, contrary to sec. BC 4.01 (1), Wis. Admin. Code.

d. Pedicure spas were being cleaned with Pine-Sol and Lysol Spray Detergent, contrary to sec. BC 4.02 (1), Wis. Admin. Code.

e. Dirt and debris were located behind the screen of one of the pedicure spas, contrary to sec. BC 4.02 (1), Wis. Admin. Code.

f. Metal aesthetics implements such as tweezers were stored in a covered container, but the container also held pieces of hair, contrary to sec. BC 4.02 (4), Wis. Admin. Code.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to section 454.15 of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondents Nail Arts of Racine, LLC and Tan Minh Tran are subject to discipline for the violations listed in Finding of Fact 3 above.

ORDER

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

IT IS FURTHER ORDERED that Nail Arts of Racine, LLC and Tan Minh Tran pay a forfeiture of \$825 within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor:

Department Monitor

Department of Regulation and Licensing,

PO Box 8935, Madison, WI 53708-8935.

Fax (608) 266-2264

Tel. (608) 267-3817

In the event the forfeiture is not paid within the time and in the manner as set forth above, the Manicuring Establishment license for Nail Arts of Racine, LLC, the Aesthetics Establishment license for Nail Arts of Racine, LLC, and the Manicurist license for Tan Minh Tran shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of the forfeiture has been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 08 BAC 018 be closed.

Dated this 2nd day of February, 2009.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush
A member of the Board