

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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/wsccl>.
- 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 DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TUAN D. DOAN AND QUEEN NAILS,
RESPONDENTS.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002369

Division of Legal Services and Compliance¹ Case No. 12 BAC 091

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

Tuan D. Doan
8809 W. Elm Ct.
Franklin, WI 53132

Queen Nails
7600 W. Capitol Dr.
Milwaukee, WI 53222

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Cosmetology Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Tuan D. Doan (dob June 6, 1985) is licensed in the State of Wisconsin as a Manicurist, having license number 85-5855, first issued on October 22, 2004 and current through March 31, 2013. Respondent Doan's most recent address on file with the

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Wisconsin Department of Safety and Professional Services (Department) is 8809 West Elm Court, Franklin, Wisconsin 53132.

2. Respondent Queen Nails is licensed in the State of Wisconsin as a Manicuring Establishment, having license number 71-3563, first issued on November 6, 2009, expired from April 1, 2011 until it was renewed on November 30, 2012, and current through March 31, 2013. Respondent Queen Nails' most recent address on file with the Department is 7600 West Capitol Drive, Milwaukee, Wisconsin 53222.

3. At all times relevant to this matter, Respondent Doan was listed in Department records as owner of Respondent Queen Nails.

4. On or about September 7, 2012, the Department received a complaint alleging sanitation violations at Respondent Queen Nails. Division of Legal Services and Compliance Case Number 12 BAC 091 was subsequently opened for investigation.

5. On November 14, 2012, a Department investigator performed an unannounced inspection at Respondent Queen Nails and observed the following:

- a. Respondent Queen Nails was operating with an expired manicuring establishment license;
- b. K.P., whose manicuring license had expired on April 1, 2011, was performing a manicure on a client;
- c. T.N.P., who did not hold a Wisconsin manicuring or aesthetician license, admitted to providing manicuring and waxing services at Respondent Queen Nails;
- d. Respondent Queen Nails was not licensed as an aesthetics establishment;
- e. Used disposable nail files and buffers and metal manicuring implements were stored in dirty workstation drawers;
- f. There was nail dust on workstation tabletops and nail clippings on the floor;
- g. Portable carts located at the pedicure stations contained used disposable buffers; and
- h. The pot containing the melted wax was not covered.

6. Respondent Queen Nails' manicuring establishment license and K.P.'s manicuring license were renewed on November 30, 2012.

7. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondents violated:

- a. Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code § BC 3.01(1) by allowing the practice of manicuring and aesthetics outside of a licensed establishment.
- b. Wis. Admin. Code § BC 2.04(1) by assisting in the unlicensed practice of manicuring and aesthetics.
- c. Wis. Admin. Code §§ BC 4.01(3) and 4.10(4) by failing to dispose of disposable emery boards and other contact equipment following each use.
- d. Wis. Admin. Code § BC 4.01(1) and (7) by failing to maintain all areas of the establishment and the equipment, tools and implements used by licensees for services in a clean, sanitary and safe condition.
- e. Wis. Admin. Code § BC 3.01(4) by failing to keep establishment floor coverings in a clean and safe condition.
- f. Wis. Admin. Code § BC 4.10(1) by failing to disinfect all reusable manicuring instruments prior to use.
- g. Wis. Admin. Code § BC 4.02(4) by failing to keep clean contact equipment in a covered container.

3. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

ORDER

1. The attached Stipulation is accepted.
2. Respondents Tuan D. Doan and Queen Nails are REPRIMANDED.
3. Respondent Doan shall pay a FORFEITURE in the amount of \$1,800.00 and COSTS of this matter in the amount of \$156.00.
4. Respondent Queen Nails shall pay a FORFEITURE in the amount of \$1,800.00 and COSTS of this matter in the amount of \$156.00.
5. Payments shall be made according to the following schedule:

Due Date	Payment Amount
July 1, 2013	\$912.00
October 1, 2013	\$1,000.00
January 1, 2014	\$1,000.00
April 1, 2014	\$1,000.00

6. Payment of forfeitures and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

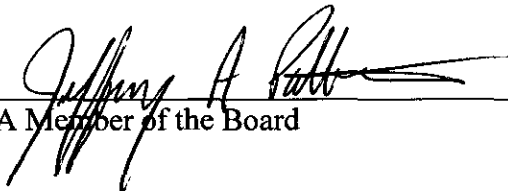
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit payment of the forfeitures and costs as ordered, Respondents' licenses (nos. 85-5855 and 71-3563) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the forfeitures and costs.

8. This Order is effective on the date of its signing.

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board

4-1-13
Date