

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TRANG H. BANH,	:	
RESPONDENT.	:	<i>ORDER 000 3154</i>

Division of Legal Services and Compliance Case No. 12 BAC 113

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

Trang H. Banh
4536 W. Rotamer Rd.
Janesville, WI 53546-1032

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 Trang H. Banh (dob February 16, 1971) is licensed in the State of Wisconsin as a Manicurist, having license number 5151-85, first issued on January 30, 2003 and current through March 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4536 West Rotamer Road, Janesville, Wisconsin 53546-1032.

2. Respondent owned, operated and provided manicuring services at Classy Nail & Spa, an unlicensed manicuring establishment, from March 2007 until November 14, 2012. The establishment was issued a manicuring establishment license on November 28, 2012.

3. Respondent provided waxing services at Classy Nail & Spa without the required aesthetics establishment and aesthetician or barbering and cosmetology licenses from spring 2010 until November 14, 2012. The establishment was issued an aesthetics establishment license on February 12, 2013.

4. In resolution of this matter, Respondent consents 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, Respondent violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ BC (now Cos) 2.045(1) and 3.01(1) by practicing manicuring and aesthetics in an unlicensed establishment.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 454.01(1)(b) and Wis. Admin. Code § BC (now Cos) 2.04(1) by practicing aesthetics without proper licensure.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Trang H. Banh is REPRIMANDED.

3. Respondent shall pay a FORFEITURE in the amount of \$2,000.00 and COSTS of this matter in the amount of \$264.00. Respondent shall submit a down payment of \$264.00 within 90 days of the date of this Order. Four additional payments of \$500.00 will be due every 90 days from the date of the previous payment to achieve full payment of the forfeiture and costs.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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
DPSMonitoring@wisconsin.gov

5. 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 Respondent's license. 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 Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 5151-85) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Geraldine Reuter
A Member of the Board

4-14-2014
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRANG H. BANH,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0003154

Division of Legal Services and Compliance Case No. 12 BAC 113

Respondent Trang H. Banh and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

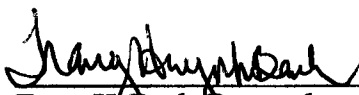
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Trang H. Banh, Respondent
4536 W. Rotamer Rd.
Janesville, WI 53546-1032
License no. 5151-85

8-2-13
Date


Laura M. Varriale, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

8/6/13
Date