

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DA VI NAILS,  
RESPONDENT.

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FINAL DECISION AND ORDER

*ORDER 000 3150*

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Division of Legal Services and Compliance<sup>1</sup> Case Nos. 12 BAC 061 and 12 BAC 074

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

DA VI Nails  
Tran Trong Anh  
351 S. Washburn St.  
Oshkosh, WI 54904

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 DA VI Nails is licensed in the State of Wisconsin as a manicuring establishment, having license number 71-3800, first issued on April 1, 2011, and current through March 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 351 S. Washburn St., Oshkosh, WI 54904.
2. Tran Trong Anh is listed in Department records as the owner of DA VI Nails.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. The Department received two separate complaints of sanitation violations at DA VI Nails. Case numbers 12 BAC 061 and 12 BAC 074 were subsequently opened for investigation.

4. On August 23, 2012, a department investigator made an unannounced visit to DA VI Nails. The inspector observed the following:

- a. Three of the four pedicure bowls contained debris inside and outside of the water jets.
- b. Two workstations contained used disposable files and buffers in the drawers.
- c. There were three expired licenses posted, however the individuals did possess valid licenses.

5. 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 DA VI Nails violated Wis. Admin. Code § BC 4.01(1) by failing to maintain the equipment used by licensees for services in a clean and sanitary condition.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § BC 4.10(4) by failing to dispose of manicuring instruments that cannot be cleaned and disinfected or sterilized following each use.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent DA VI Nails is REPRIMANDED.

3. Respondent shall pay a FORFEITURE in the amount of \$250.00, as follows: Respondent shall submit a down payment of \$125.00 within 3 month of the date of this Order. One more payment of \$125.00 will be due 6 months from the date of this Order.

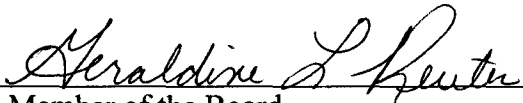
4. Payment of the forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

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 as ordered, Respondent's license (no. 71-3800) 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:   
A Member of the Board

4-15-2014  
Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DA VI NAILS,  
RESPONDENT.

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STIPULATION

*ORDER 0003158*

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Division of Legal Services and Compliance<sup>1</sup> Case Nos. 12 BAC 061 and 12 BAC 074

Respondent DA VI Nails 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.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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.

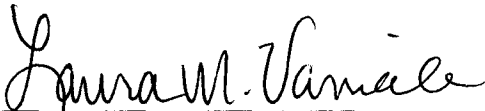
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Tran Trong Anh for  
DA VI Nails, Respondent  
351 S. Washburn St.  
Oshkosh, WI 54904  
License no. 71-3800

07/05/13

Date



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

7/30/2013

Date