

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
: OF DEFAULT
SUPER NAILS & SPA, :
RESPONDENT. :

ORDER 3852

Division of Legal Services and Compliance Case File Number 13 BAC 112

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

Super Nails & Spa
Tuyet Nga Vu
133 West Town Mall
Madison, WI 53719

Wisconsin Cosmetology Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as a citation to which Respondent Super Nails & Spa has made no timely response. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Super Nails & Spa is licensed in the State of Wisconsin as a manicuring establishment, having license number 2801-71, first issued on October 14, 2005 and expired as of March 31, 2015. Respondent Super Nails & Spa's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 133 West Town Mall, Madison, Wisconsin 53719.

2. On February 2, 2009, the Board reprimanded Respondent and Respondent was required to pay forfeiture and costs for unlicensed practice, allowing unlicensed practice and sanitation violations.

3. On or about July 5, 2013, the Department received a complaint alleging that a worker at Respondent establishment scrubbed the heel of a patron's foot until skin was opened which subsequently caused an infection and costs for medical treatment.

4. On March 28, 2014, a Division of Legal Services and Compliance investigator conducted an inspection of Respondent establishment and noted sanitation violations.

5. On March 10, 2015, a Division of Legal Services and Compliance investigator issued a \$500 citation to Respondent for improper reuse of disposable equipment and/or supplies. A true and correct copy of this citation is attached as Exhibit A and is incorporated herein by reference.

6. On March 10, 2015, a Division of Legal Services and Compliance investigator also issued a \$100 citation to Respondent for areas of an establishment and the equipment, tools and implements in an establishment shall be maintained in clean, sanitary and safe condition. A true and correct copy of this citation is attached as Exhibit B and is incorporated herein by reference.

7. Respondent has not paid the citations that were issued to Respondent on March 10, 2015.

CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondent violated Wis. Admin. Code § Cos 4.01(1) by failing to maintain all areas of an establishment and the equipment, tools and implements used by the licensees for services in a clean, sanitary and safe condition.

3. Respondent violated Wis. Admin. Code § Cos 4.10(4) by failing to dispose of manicure instruments that cannot be cleaned and disinfected or sterilized.

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

5. Respondent is in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit or otherwise respond to the citation in a timely fashion.

6. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondent for the amount identified in the citation without further proceedings.

ORDER

1. Respondent is in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$600 within thirty (30) days from the date of this Order.

2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817, Fax (608) 266-2264

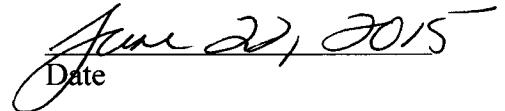
3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a refusal to renew a credential or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Board


Date

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190
Madison, WI 53707-7190

FAX #: (608) 266-2264
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: dsps@wisconsin.gov
Website: http://dsps.wi.gov

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>13BAC 112</u>	FINAL DECISION AND ORDER ORDER # <u>3852</u>
<input type="checkbox"/> Individual Credential Holder Name License # _____	<u>Super Nails & Spa (Touyet Nga W)</u> <input checked="" type="checkbox"/> Establishment Name License # <u>2801-71</u>

133 West Town Mall Madison, WI 53719
Street City Zip
Friday March 28, 2014
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Improper reuse of disposable equipment / supplies

In violation of Section 4.10(4) of Wis. Stats. OR Wis. Adm. Code
B 24 Investigator 3-10-15
Signature of Division Investigative Staff Title Date

Signature of Licensee OR Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 500.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, 1400 E. WASHINGTON AVENUE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

Richard M. Kelly
A Member of the Board

June 22, 2015
Date

#3053DLSC (11/14)
Ch.454, Stats.

Committed to Equal Opportunity in Employment and Licensing



Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190
Madison, WI 53707-7190

FAX #: (608) 266-2264
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: dsps@wisconsin.gov
Website: http://dsps.wi.gov

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>13 BAC 112</u>	FINAL DECISION AND ORDER ORDER # <u>3852</u>
<input type="checkbox"/> Individual Credential Holder Name License # _____	<u>Super Nails & Spa (Tuget Nga Vo)</u> <input checked="" type="checkbox"/> Establishment Name License # <u>0801-71</u>

133 West Town Mall Madison, WI 53719
Street City Zip

Friday March 28, 2014
Day of Week Date Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Areas of an establishment and the equipment, tools and implements in an establishment shall be maintained in a clean, sanitary and safe condition.

In violation of Section 4.01(1) of Wis. Stats. OR Wis. Adm. Code
B 74 Investigator 3-10-15
Signature of Division Investigative Staff Title Date

Signature of Licensee OR Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 100 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, 1400 E. WASHINGTON AVENUE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on backside of pink copy.

Wendy M. Malley
A Member of the Board

June 22, 2015
Date

#3053DLSC (11/14)
Ch.454, Stats.

Committed to Equal Opportunity in Employment and Licensing

