

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 :
ANNIE K. TRAN, : FINAL DECISION AND ORDER
RESPONDENT. :

0004377

Division of Legal Services and Compliance Case No. 14 BAC 045

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

Annie K. Tran
601 Ryan Street, Unit G
Pewaukee, WI 53072

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

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

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 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 Annie K. Tran (dob 8/5/1970) is licensed in the State of Wisconsin as a manicurist, having license number 3250-85, first issued on January 30, 1998, and current through March 31, 2017. This license was expired from April 1, 2011 through June 25, 2014. Annie K. Tran's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 601 Ryan Street, Unit G, Pewaukee, Wisconsin 53072.

2. On June 2, 2003, the Board ordered Respondent to pay a forfeiture of \$400.00 for failing to change disinfectant daily (Wis. Admin. Code §§ BC 2.06 and BC 2.10(1)(b)); for not having poisonous substances stored in a locked cabinet or closet (Wis. Admin. Code § BC 3.01(6)); for reusing disposable manicuring equipment (Wis. Admin. Code § BC 4.02(4)); for

using a common powder bowl on multiple clients (Wis. Admin. Code § BC 4.02(4)); and for not having a protocol describing the procedure for exposure to bodily fluids posted (Wis. Admin. Code § BC 4.05(2)).

3. On February 2, 2004, the Board ordered Respondent to pay a forfeiture of \$3,450.00 for authorizing employees to provide services to clients without valid or current Wisconsin manicuring licenses (Wis. Admin. Code § BC 2.04(1)); for failing to dispense all liquids, creams, powders and semi-solids substances from a container which prevents contamination of the unused portion (Wis. Admin. Code § BC 4.02(5)); for reusing disposable manicuring equipment (Wis. Admin. Code § BC 4.02(4)); and for failing to properly sanitize pedicure bowls (Wis. Admin. Code § BC 4.01(1)).

4. Respondent is identified in Department records as the owner of Nail N Tan salon, a manicuring establishment having license number 2846-71, first issued on January 26, 2006, and current through March 31, 2017. This license was expired from April 1, 2009 through June 25, 2014. Nail N Tan's most recent address on file with the Department is 601 Ryan Street, Unit G, Pewaukee, Wisconsin 53072.

5. On June 24, 2014, an inspection of Nail N Tan was performed by a Department investigator. During the inspection the investigator found the following:

- a. Respondent practicing manicuring without a valid manicuring license;
- b. Respondent practicing manicuring outside the confines of a licensed establishment;
- c. The establishment and the equipment were not maintained in a clean, sanitary, and safe condition;
- d. The disinfectant used for decontamination was not kept in a covered container; and
- e. Respondent used nail products formulated with methyl methacrylate monomer, commonly referred to as MMA in liquid form.

6. On August 24, 2015, Nail N Tan changed ownership and name. The Department moved Nail N Tan's manicuring establishment license into inactive status.

7. 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, Annie K. Tran violated Wis. Stat. § 454.04(1)(d) and Wis. Admin. Code § Cos 2.04(1) by engaging in manicuring without a current manicurist license.

3. By the conduct described in the Findings of Fact, Annie K. Tran violated Wis. Stat. § 454.08(1)(b) and Wis. Admin. Code §§ Cos 3.01(1) and Cos 2.045(1) by practicing manicuring outside the confines of a licensed establishment.

4. By the conduct described in the Findings of Fact, Annie K. Tran violated Wis. Admin. Code § Cos 4.01(1) by failing to maintain an establishment and the equipment, tools and implements used by licensees for services in the establishment, in a clean, sanitary and safe condition.

5. By the conduct described in the Findings of Fact, Annie K. Tran violated Wis. Admin. Code § Cos 4.10(2) by failing to keep disinfectant used for decontamination in a covered container.

6. By the conduct described in the Findings of Fact, Annie K. Tran violated Wis. Admin. Code § Cos 2.03(9) by using nail product formulated with MMA as one of its ingredients.

7. As a result of the above violations, Annie K. Tran is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Annie K. Tran's manicurist license no. 3250-85 is hereby **SUSPENDED** for a period of 10 working days, beginning 10 days after the date of this Order.
3. Respondent Annie K. Tran shall pay a **FORFEITURE** in the amount of \$3,350 pursuant to the following schedule:

<u>Payment Date</u>	<u>Amount</u>
February 1, 2016	\$300
May 1, 2016	\$300
August 1, 2016	\$300
November 1, 2016	\$300
February 1, 2017	\$300
May 1, 2017	\$300
August 1, 2017	\$300
November 1, 2017	\$300
February 1, 2018	\$300
May 1, 2018	\$300
August 1, 2018	\$350


4. Payment of forfeiture 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 7190, Madison, WI 53707-7190
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 as ordered, Respondent's license (no. 3250-85) may, in the discretion of the Board or its designee, be further **SUSPENDED**, without other 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

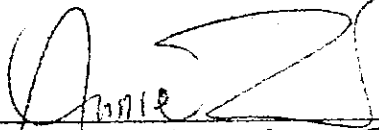
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Date

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.

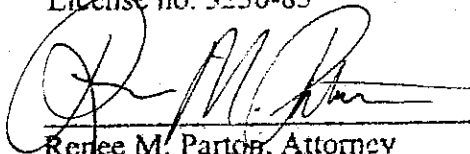
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Annie K. Tran, Respondent
601 Ryan Street, Unit G
Pewaukee, WI 53072
License no. 3250-85

11/11/15
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/11/15
Date