

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

HOANG DINH AND
BELLAGIO SALON & SPA,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
:
:

0004888

Division of Legal Services and Compliance Case No. 14 BAC 064

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

Hoang Dinh
2400 W. Ryan Road
Oak Creek, WI 53154

Bellagio Salon & Spa
2400 Ryan Road, Suite 2
Oak Creek, WI 53154

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 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 Hoang Dinh (DOB 02/10/1976) is licensed by the State of Wisconsin as a barbering or cosmetology practitioner, having license number 94920-82, first issued on November 29, 2012 and current through March 31, 2017. Hoang Dinh's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2400 West Ryan Road, Oak Creek, Wisconsin 53154.

2. Respondent Bellagio Salon & Spa is licensed by the State of Wisconsin as a barbering or cosmetology establishment, having license number 40390-80, first issued on April 24, 2013 and current through March 31, 2017. Bellagio Salon & Spa's most recent address on file with the Department is 2400 Ryan Road, Suite 2, Oak Creek, Wisconsin 53154.

3. During the Department's investigation, Respondent Dinh was identified as the owner of Respondent Bellagio Salon & Spa.

4. At all times relevant to this matter, Respondent Dinh employed Trinh T. Tran as cosmetology manager at Bellagio Salon & Spa.

5. On July 28, 2014, a customer at Bellagio Salon & Spa received a pedicure and a manicure. The customer's foot was allegedly cut during her pedicure but staff was not notified at the time.

6. On July 31, 2014, the customer went to the doctor because her feet were red and swollen. The doctor indicated the individual had an infection.

7. On July 31, 2014, the customer returned to Bellagio Salon & Spa upset. Trinh T. Tran acknowledged the toe appeared to be infected.

8. Trinh T. Tran removed a piece of the nail and then discharged the pus within but did not wear protective gloves during the procedure.

9. On November 5, 2014, a Department investigator conducted an inspection of Bellagio Salon & Spa. The investigator found the following sanitation issues:

- a. Respondents allowed hair clipper attachments to remain on top of a workstation with loose hair clippings on them.
- b. Respondents did not store clean or used contact equipment in covered containers.
- c. Respondents did not store reusable contact tools in a covered container with adequate amounts of disinfectant.

10. Respondents do not admit to any violations alleged above, but they do not wish to contest them.

11. 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 Wis. Admin. Code § Cos 2.03(5) by failing to take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code §§ Cos 3.01(1) and Cos 4.01(1) by failing to maintain an establishment in a clean, sanitary and safe condition.

4. As a result of the above violations, Hoang Dinh and Bellagio Salon & Spa are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Hoang Dinh is REPRIMANDED.

3. Respondent Bellagio Salon & Spa is REPRIMANDED.

4. Within ninety (90) days from the date of this Order, Respondent Dinh shall pay a FORFEITURE in the amount of \$300 and one-third of the COSTS of this matter in the amount of \$429.00.

5. Within ninety (90) days from the date of this Order, Respondent Bellagio Salon & Spa shall pay a FORFEITURE in the amount of \$300 and one-third of the COSTS of this matter in the amount of \$429.00.

6. Payment of the 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. In the event Respondents fail to timely submit payment of the forfeitures or costs as ordered, Respondents' licenses (numbers 94920-82 and 40390-80), or Respondents' right to renew their licenses, 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 Cosmetology Examining Board


Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HOANG DINH AND
BELLAGIO SALON & SPA,
RESPONDENTS.

:
:
:
:
:
:

STIPULATION

0004888

Division of Legal Services and Compliance Case No. 14 BAC 064

Respondents Hoang Dinh and Bellagio Salon & Spa 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.


4. Respondents agree 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. Respondents waive 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 Respondents, 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. Respondents are 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 Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Hoang Dinh, Respondent
2400 W. Ryan Rd.
Oak Creek, WI 53154
License no. 94920-82

8/11/16

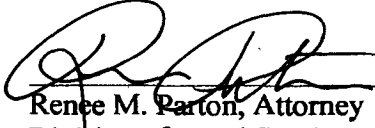
Date



Bellagio Salon & Spa, Respondent
By: Hoang Dinh, Owner
2400 Ryan Rd., Ste. 2
Oak Creek, WI 53154
License no. 40390-80

8/11/16

Date



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

8/12/16

Date