

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

TRINH T. TRAN,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004889

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:

Trinh T. Tran
2800 S. Chicago Avenue
South Milwaukee, WI 53172

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 Trinh T. Tran (DOB 01/02/1980) is licensed by the State of Wisconsin as a cosmetology manager, having license number 34846-81, first issued on April 3, 2013 and current through March 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2800 S. Chicago Avenue, South Milwaukee, Wisconsin 53172.

2. Respondent is also licensed by the State of Wisconsin as a cosmetology practitioner, having license number 95242-82, first issued on March 1, 2013 and expired on March 31, 2015. Respondent retains the right to renew her practitioner license until March 31, 2020, pursuant to Wis. Stat. § 440.08(3).

3. On July 28, 2014, Respondent worked as cosmetology manager at Bellagio Salon & Spa in Oak Creek, Wisconsin.

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

5. 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.

6. On July 31, 2014, the customer returned to the salon upset. Respondent acknowledged that the toe appeared to be infected.

7. Respondent removed a piece of the nail and oozing pus but did not wear protective gloves during the procedure.

8. That same day the customer was admitted to the hospital.

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

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

10. 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. Admin. Code § Cos 2.07(1) by failing to maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions as a manager.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 2.03(2) by performing services she is not authorized to perform.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 4.06(2) by failing to use disposable protective gloves when dealing with patrons with oozing or open lesions or weeping dermatitis.

5. 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.

6. As a result of the above violations, Trinh T. Tran is subject to discipline pursuant to Wis. Stat. §§ 454.12(1) and 454.15(2)(c) and (i).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Trinh T. Tran is REPRIMANDED.
3. The cosmetology manager license and cosmetology practitioner license issued to Trinh T. Tran (numbers 34846-81 and 95242-82) are LIMITED as follows:
 - a. Within ninety (90) days from the date of this Order, Respondent shall complete four (4) hours of training or education on safety, sanitation, and sterilization offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the training or education.
 - b. Respondent shall submit proof of successful completion of the ordered training or education in the form of verification from the institution providing the training or education to the Department Monitor at the address stated below. None of the training or education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
4. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE of \$1,000 and one-third of the COSTS of this matter in the amount of \$429.00.
5. Proof of successful completion of training and/or education, and the payment of costs and forfeiture (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

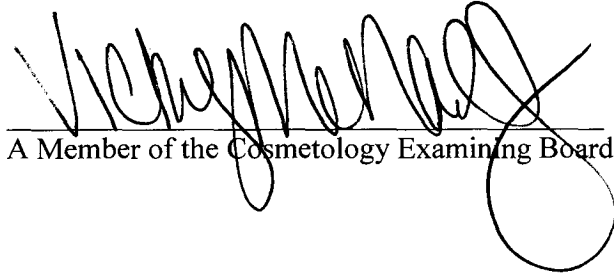
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered or fails to abide by any other provision of this Order as set forth above, Respondent's licenses (nos. 34846-81 and 95242-82), or Respondent's right to renew her licenses, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with all provisions of this Order.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by:


A Member of the Cosmetology Examining Board

8/25/16
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRINH T. TRAN,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004889

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

Respondent Trinh T. Tran 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.



Trinh T. Tran, Respondent
2800 S. Chicago Ave.
South Milwaukee, WI 53172
License nos. 34846-81 and 95242-82

8/11/16
Date



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

8/12/16
Date