

## 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

TLC SPA NAILS INC.,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
:  
:

0005678

Division of Legal Services and Compliance Case No. 17 BAC 010

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

TLC Spa Nails Inc.  
3505 W. National Ave.  
Milwaukee, WI 53215

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 TLC Spa Nails Inc. is licensed by the State of Wisconsin as a manicuring establishment, having license number 3524-71, first issued on August 17, 2009, and current through March 31, 2019. This license was expired from April 1, 2017 through June 12, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3505 West National Avenue, Milwaukee, Wisconsin 53215.

2. On January 30, 2017, the Department received a complaint alleging unlicensed practice. Division of Legal Services and Compliance Case No. 17 BAC 010 was subsequently opened for investigation.

3. On June 6, 2017, a Department investigator conducted an inspection of Respondent. Respondent was open for business despite not having an active credential. The inspection revealed the following violations:

- a. used contact equipment was stored with clean contact equipment;
- b. disposable contact equipment was cleaned to be reused;
- c. disinfectant used for decontamination was not kept in a covered container and contact equipment was not fully submerged in the disinfectant;
- d. clean contact equipment was stored in an uncovered container;
- e. creams were stored without covers to prevent contamination; and
- f. the investigator observed an employee, whose license was expired, providing a manicure service for compensation.

4. 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 2.04(1) by assisting in the unlicensed practice of manicuring.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 3.01(1) by practicing manicuring outside the confines of a licensed establishment.

4. By the conduct described in the Findings of Fact, Respondent 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. As a result of the above violations, TLC Spa Nails Inc. is subject to discipline pursuant to Wis. Stat. §§ 454.15(2)(i).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent TLC Spa Nails Inc. is REPRIMANDED.
3. This Order is effective on the date of its signing.

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Vicky McNally EK  
A Member of the Board

3-26-2018  
Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TLC SPA NAILS INC.,  
RESPONDENT.

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STIPULATION

0005678

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Division of Legal Services and Compliance Case No. 17 BAC 010 .

Respondent TLC Spa Nails Inc. 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.

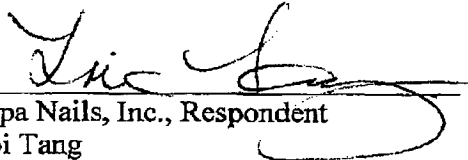
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

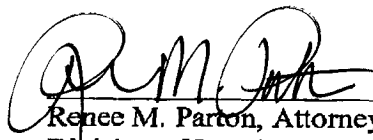
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
TLC Spa Nails, Inc., Respondent  
By: Loi Tang  
3505 W. National Ave.  
Milwaukee, WI 53215  
License no. 3524-71

3-01-2018  
Date

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

3/2/2018  
Date