

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

VAN T. NGUYEN,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006816

Division of Legal Services and Compliance Case No. 17 BAC 014

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

Van T. Nguyen
6835 S. Tiernan Ct
Franklin, WI 53132

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 Van T. Nguyen (DOB 11/17/1976) is licensed by the State of Wisconsin as a manicurist, having license number 4875-85, first issued on April 22, 2002 and current through March 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6835 South Tiernan Court, Franklin, Wisconsin 53132.

2. On January 18, 2017, S.K. went to Platinum Nails manicuring establishment to receive a pedicure. S.K. was serviced by Respondent. During the service, S.K. experienced a laceration on her foot from Respondent using a tool to remove dead skin on the foot. S.K. also complained tools and implements used during her service did not look clean or new.

3. On January 23, 2017, S.K. visited a doctor complaining of hives and a sore throat. S.K. was diagnosed with a staph infection caused by the laceration on her foot. S.K. was prescribed an oral antibiotic which cleared up the staph infection after two weeks.

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 2.03(5) by failing to take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.

3. As a result of the above violations, Van T. Nguyen is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Van T. Nguyen is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay FORFEITURE of this matter in the amount of \$500 and one-half the COSTS of this matter in the amount of \$665.00.

4. Payment of 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

5. In the event Respondent violates any term of this Order, Respondent's license (4875-85), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: *Vicky Mennally*
A Member of the Board

5/22/2020
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

VAN T. NGUYEN,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006816

Division of Legal Services and Compliance Case No. 17 BAC 014

Respondent Van T. Nguyen 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.

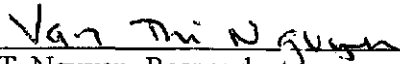
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

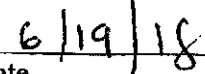
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

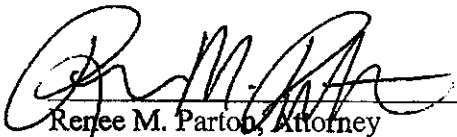
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Van T. Nguyen, Respondent
6835 S. Tiernan Ct.
Franklin, WI 53132
License no. 4875-85



Date



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



Date