

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NINI K. TRAN AND	:	
NINI NAILS,	:	
RESPONDENTS.	:	<b>ORDER 0007284</b>

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Division of Legal Services and Compliance Case No. 18 BAC 061

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

Nini K. Tran  
Madison, WI 53711

Nini Nails  
Madison, WI 53711

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 Nini K. Tran (Birth Year 1965) is licensed by the State of Wisconsin as a manicurist, having license number 4101-85, first issued on April 10, 2000 and current through March 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53711.

2. Respondent Nini Nails is licensed by the State of Wisconsin as a manicuring establishment, having license number 4121-71, first issued on February 25, 2013 and current through March 31, 2023. Respondent's most recent address on file with the Department is in Madison, Wisconsin 53711.

3. Respondent Nini K. Tran is identified in Department records as the responsible licensee for Respondent Nini Nails.

4. On April 2, 2007, Respondent Nini K. Tran and Respondent Nini Nails were disciplined (Final Decision and Order #LS0704026BAC) in Case Number 06 BAC 074 for permitting an unlicensed person to provide manicuring services, and for failing to maintain the establishment in a clean, sanitary, and safe condition.

5. On February 4, 2008, Respondent Nini K. Tran and Respondent Nini Nails were disciplined (Final Decision and Order #LS0802047BAC) in Case Number 07 BAC 083 for providing aesthetics services without an aesthetics establishment license, using a state prohibited substance for manicuring, and for failing to keep clean manicuring implements separate from other non-manicuring implements.

6. On October 10, 2014, Respondent Nini K. Tran and Respondent Nini Nails were issued a citation (Citation #0003550) in Case Number 14 BAC 063 for keeping used buffer blocks in with the clean buffer blocks.

7. On July 27, 2018, the Department received a complaint alleging that an employee of Respondent Nini Nails had buffed through Complainant's natural nail during a manicure, and had applied liquid to the affected area using her bare finger. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 BAC 061 for investigation.

8. On October 15, 2018, the Department emailed Respondents to request a written response to the Complaint.

9. On October 26, 2018, Nini K. Tran replied on behalf of Respondents. Respondent Nini K. Tran admitted that an employee of Respondent Nini Nails had buffed through Complainant's nail, causing it to bleed, and that the employee had immediately applied antiseptic solution with her bare finger, instead of using sterile cotton to apply the antiseptic solution. Respondent Nini K. Tran stated that this was an honest mistake.

10. On July 11, 2019, the Department emailed Respondents to inform them that all of Respondents' licenses were currently expired.

11. On July 24, 2019, Respondents' renewed all their licenses.

12. A search of Department records shows that:

- a. Respondent Nini K. Tran's manicurist license was expired from April 1, 2019 until July 24, 2019.
- c. Respondent Nini Nails's manicuring establishment license was expired from April 1, 2019 until July 24, 2019.

13. 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 2.04(1) by providing manicuring services while Respondents' licenses were expired.
3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 2.06 for failing to be in compliance with ch. 454, Stats. and chs. Cos 2, 3, and 4.
4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § Cos 3.01(1) by providing manicuring services outside of a licensed establishment.
5. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

### ORDER

1. The attached Stipulation is accepted.
2. Respondent Nini K. Tran is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Nini K. Tran shall pay one-third of the COSTS of this matter in the amount of \$398.
4. Within ninety (90) days from the date of this Order, Respondent Nini Nails shall pay a FORFEITURE in the amount of \$1000 and one-third of the COSTS of this matter in the amount of \$398.
5. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 4101-85 and 4121-71), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have 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.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Megan Jackson,  
A Member of the Board

29 March 2021  
Date

STATE OF WISCONSIN  
BEFORE THE COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

NINI K. TRAN AND  
NINI NAILS,  
RESPONDENTS.

:  
:  
:  
:  
:  
:

STIPULATION

**ORDER 0007284**

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Division of Legal Services and Compliance Case No. 18 BAC 061

Respondents Nini K. Tran and Nini Nails and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

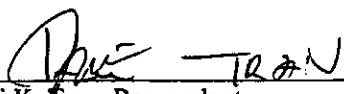
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive 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.

  
Nini K. Tran, Respondent  
Madison, WI 53711  
Credential No. 4101-85

3/22/21  
Date

  
Nini Nails, Respondent  
By: Nini K. Tran, Responsible Licensee  
Madison, WI 53711  
Credential No. 4121-71

3/22/21  
Date

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

03/22/2021  
Date