

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 :
: FINAL DECISION AND ORDER
KIN S. TRAN, :
RESPONDENT. :

ORDER 0007285

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:

Kin S. Tran
Fitchburg, 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 Kin S. Tran (Birth Year 1957) is licensed by the State of Wisconsin as a manicurist, having license number 6582-85, first issued on November 7, 2006 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 Fitchburg, Wisconsin 53711.

2. On July 27, 2018, the Department received a complaint alleging that Respondent 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.

3. On October 15, 2018, the Department emailed Respondent to request a written response to the Complaint.

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

5. On July 11, 2019, the Department emailed Respondent to inform her that her manicurist license and the manicuring establishment license of her employer were currently expired.

6. On July 24, 2019, Respondent and Respondent's employer renewed their licenses.

7. A search of Department records shows that Respondent's manicurist license had been expired from April 1, 2019 until July 24, 2019, and Respondent's employer's manicuring establishment license had been expired from April 1, 2019 until July 24, 2019.

8. 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(1) by failing to provide services in a manner that is consistent with basic and accepted practice standards.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 2.04(1) by providing manicuring services while Respondent's license was expired.

4. By the conduct described in the Findings of Fact, Respondent 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, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kin S. Tran is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Kin S. Tran shall pay one-third of the COSTS of this matter in the amount of \$398.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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/>

5. In the event Respondent violates any term of this Order, Respondent's license (number 6582-85), 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:

Megan Jackson
A Member of the Board

29 March 2021

Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIN S. TRAN,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007285

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

Respondent Kin S. 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.



Kin S. Tran, Respondent
Fitchburg, WI 53711
Credential No. 6582-85

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