

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

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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
	:	OF DEFAULT
TIM NGUYEN, AND	:	
TT NAILS,	:	
RESPONDENTS.	:	<b>ORDER 0007779</b>

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Division of Legal Services and Compliance Case Number 18 BAC 052

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

Tim Nguyen  
Wauwatosa, WI 53225

TT Nails  
Milwaukee, WI 53212

Wisconsin Cosmetology Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

PROCEDURAL HISTORY

This matter comes before the Wisconsin Cosmetology Examining Board (Board) as eight citations to which Respondents have made no timely response. Based on the record in this case, the Board adopts as its Final Decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Tim Nguyen (Birth Year 1969) is licensed in the state of Wisconsin as a cosmetologist, having credential number 91576-82, first issued on September 22, 2010 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 Wauwatosa, Wisconsin 53225.

2. Respondent TT Nails is licensed in the state of Wisconsin as a manicuring establishment, having credential number 4179-71, first issued on May 1, 2013 and current through March 31, 2023. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53212.

3. Respondent Tim Nguyen is identified in Department records as the responsible licensee for TT Nails.

4. On June 15, 2018, the Department received a complaint alleging that Respondents did not properly clean the pedicure bowl before use, that tools were reused without being properly sanitized, and that the complainant was cut with the grating foot file and burned with paraffin wax and hot stones. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 BAC 052 for investigation.

5. Following an inspection on February 12, 2020, a Division of Legal Services and Compliance (Division) investigator issued eight citations to Respondents for violating Wis. Stat. § 454.06(7) and Wis. Admin. Code §§ Cos 2.04(1), Cos 2.045(1), Cos 3.01(1), Cos 3.01(6), Cos 4.01(3r), Cos 4.01(1), Cos 4.01(4), Cos 4.01(5), Cos 4.10(1), and Cos 4.10(4).<sup>1</sup> Service was accomplished by mail. True and correct copies of these citations are attached as Exhibit A and are incorporated herein by reference.

6. Respondents have not paid the citations that were issued to Respondents on November 9, 2021.

#### CONCLUSIONS OF LAW

1. The Wisconsin Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. Respondents violated Wis. Admin. Code § Cos 2.04(1) by assisting or participating in the unauthorized or unlicensed practice of cosmetology.

3. Respondents violated Wis. Admin. Code § Cos 3.01(1) and 2.045(1) by practicing aesthetics outside the confines of a licensed establishment.

4. Respondents violated Wis. Admin. Code § Cos 3.01(6) by storing cleaning and disinfecting equipment in an unsecured location.

5. Respondents violated Wis. Admin. Code § Cos 4.05(2) by failing to post a procedure for exposure to blood and bodily fluids in the establishment.

6. Respondents violated Wis. Stat. § 454.06(7) by failing to post an employee's manicurist license in the establishment.

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<sup>1</sup> All references to Wis. Admin. Code ch. Cos are to the Code as it existed at the time of the incident.

7. Respondents violated Wis. Admin. Code § Cos 4.01(1) by failing to maintain equipment, tools and implements used for services in a clean, sanitary and safe condition.
8. Respondents violated Wis. Admin. Code § Cos 4.01(5) by failing to keep foot basins in a sanitary and safe condition.
9. Respondents violated Wis. Admin. Code § Cos 4.02(4) by failing to store brushes, wooden applicators, cotton, paper towel strips, toe separators, nail clippers, cuticle clippers, and/or towels in a covered container.
10. Respondents violated Wis. Admin. Code § Cos 4.01(4) by failing to keep semi-solid substances in a container that would prevent contamination of the unused portion of that substance.
11. Respondents violated Wis. Admin. Code § Cos 4.10(1) by failing to disinfect reusable manicure instruments.
12. Respondents violated Wis. Admin. Code § Cos 4.10(4) by failing to dispose of buffer blocks, toe separators and flip flops which cannot be cleaned and disinfected following each use.
13. Respondents violated Wis. Admin. Code § Cos 4.01(3r) by failing to dispose of wooden wax applicators after each use.
14. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(b), (c), and (i) and Wis. Stat. § 454.15(3).
15. Respondents are in default pursuant to Wis. Admin. Code § Cos 10.07(1) for failing to make a deposit or otherwise respond to the citations in a timely fashion.
16. Pursuant to Wis. Admin. Code § Cos 10.07(1), the Board has the authority to issue an order of default against Respondents for the amount identified in the citations without further proceedings.

#### ORDER

1. Respondents are in DEFAULT and shall pay to the Wisconsin Department of Safety and Professional Services a total forfeiture in the amount of \$3,050 within thirty (30) days from the date of this Order.
2. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190

Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Payment may also be submitted online via DSPS' Monitoring Case Management System at:  
<https://dspsmonitoring.wi.gov/>

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a refusal to renew a credential or additional disciplinary action.

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

WISCONSIN COSMETOLOGY EXAMINING BOARD

by: Megan Jackson  
A Member of the Board

24 January 2022  
Date

# Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190  
Madison, WI 53707-7190  
FAX #: (608) 266-2264  
Phone #: (608) 266-2112

4822 Madison Yards Way  
Madison, WI 53705  
E-Mail: dsps@wisconsin.gov  
Website: http://dsps.wi.gov

## COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>18 BAC 052</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Tim Nguyen</u>	<u>TT Nails</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>91576-82</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>4179-71</u>

<u>134 E Capitol Dr</u>	<u>Milwaukee, WI</u>	<u>53212</u>
Street	City	Zip
<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

#### SECOND OFFENSE

TT Nails and Tim Nguyen assisted in the unlicensed practice of manicuring by allowing their employees to provide manicuring services without a license and with an expired manicurist license.

In violation of Section Cos 2.04(1) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code  
Investigator 11/09/2021  
Signature of Division Investigative Staff Title Date  
Signature of ☐ Licensee OR ☐ Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 1,000.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on reverse side of this form.

\_\_\_\_\_  
A Member of the Board

\_\_\_\_\_  
Date

#3053DLSC (02/20)  
Ch.454, Stats.

Citation 1 of 8

# Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 7190  
Madison, WI 53707-7190  
FAX #: (608) 266-2264  
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<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
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#### SECOND OFFENSE

TT Nails and Tim Nguyen provided aesthetics services at TT Nails without TT Nails having an aesthetics establishment license.

In violation of Section Cos 2.045(1)/3.01(1) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code  
Investigator 11/09/2021  
Signature of Division Investigative Staff Title Date  
Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

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Citation 2 of 8

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Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

TT Nails and Tim Nguyen stored cleaning and disinfecting equipment in an unsecured location.

In violation of Section Cos 3.01(6) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code  
Investigator 11/09/2021  
Signature of Division Investigative Staff Title Date  
Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

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PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 100.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

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Citation 3 of 8



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<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Tim Nguyen failed to post an employee's manicurist license and the procedure for exposure to blood and bodily fluid in TT Nails.

In violation of	Section <u>454.06(7), Cos 4.05(2)</u> of	<input checked="" type="checkbox"/> Wis. Stats.	<b>OR</b>	<input checked="" type="checkbox"/> Wis. Adm. Code
		Investigator		<u>11/09/2021</u>
Signature of Division Investigative Staff		Title		Date
Signature of	<input type="checkbox"/> Licensee	<b>OR</b>	<input type="checkbox"/> Establishment Owner	Date

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Citation 4 of 8

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## COSMETOLOGY EXAMINING BOARD

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Street	City	Zip
<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Cos 4.01(1) (SECOND OFFENSE) and Cos 4.01(5)(1st offense): Tim Nguyen maintained TT Nails in an unsanitary and unsafe condition and failed to keep foot basins in a sanitary and safe condition.

In violation of	Section <u>Cos 4.01(1) &amp; 4.01(5)</u> of	<input type="checkbox"/> Wis. Stats.	<b>OR</b>	<input checked="" type="checkbox"/> Wis. Adm. Code
		Investigator		<u>11/09/2021</u>
Signature of Division Investigative Staff		Title		Date
Signature of	<input type="checkbox"/> Licensee	<b>OR</b>	<input type="checkbox"/> Establishment Owner	Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$ 250.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

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Citation 5 of 8

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## COSMETOLOGY EXAMINING BOARD

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<u>134 E Capitol Dr</u>	<u>Milwaukee, WI</u>	<u>53212</u>
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<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Cos. 4.02(4)(SECOND OFFENSE) and 4.01(4)(1st offense): TT Nails and Tim Nguyen did not store brushes, wooden applicators, cotton, paper towel strips, toe separators, nail clippers, cuticle clippers, and towels in a covered container and TT Nails and Tim Nguyen failed to keep semi-solid substances in a container that would prevent contamination of the unused portion of that substance.

In violation of	Section <u>Cos 4.02(4) &amp; 4.01(4)</u> of	<input type="checkbox"/> Wis. Stats.	<b>OR</b>	<input checked="" type="checkbox"/> Wis. Adm. Code
		Investigator		11/09/2021
Signature of Division Investigative Staff		Title		Date
Signature of	<input type="checkbox"/> Licensee	<b>OR</b>	<input type="checkbox"/> Establishment Owner	Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$250.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

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Citation 6 of 8

# Wisconsin Department of Safety and Professional Services

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## COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

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<u>Tim Nguyen</u>	ORDER # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name	<u>TT Nails</u>
License # <u>91576-82</u>	<input checked="" type="checkbox"/> Establishment Name
	License # <u>4179-71</u>

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On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

TT Nails and Tim Nguyen failed to disinfect reusable manicure instruments.

In violation of Section Cos 4.10(1) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code  
Investigator 11/09/2021  
Signature of Division Investigative Staff \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
Signature of ☐ Licensee **OR** ☐ Establishment Owner \_\_\_\_\_ Date \_\_\_\_\_

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

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Citation 7 of 8

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Madison, WI 53707-7190  
FAX #: (608) 266-2264  
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Madison, WI 53705  
E-Mail: dsps@wisconsin.gov  
Website: http://dsps.wi.gov

## COSMETOLOGY EXAMINING BOARD

### CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>18 BAC 052</u>	FINAL DECISION AND ORDER
<u>Tim Nguyen</u>	ORDER # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name	<u>TT Nails</u>
License # <u>91576-82</u>	<input checked="" type="checkbox"/> Establishment Name
	License # <u>4179-71</u>

<u>134 E Capitol Dr</u>	<u>Milwaukee, WI</u>	<u>53212</u>
Street	City	Zip
<u>Wednesday</u>	<u>Feb 12, 2020</u>	<u>11:00 am</u>
Day of Week	Date	Time

On the above stated time, date and location, an investigation/inspection has disclosed the following violation, which must be corrected.

Cos 4.10(4) (SECOND OFFENSE) and Cos 4.01(3r) (1st offense): TT Nails and Tim Nguyen failed to dispose of buffer blocks, toe separators and flip-flops which cannot be cleaned and disinfected following each use and TT Nails and Tim Nguyen failed to dispose of wooden wax applicators after each use.

In violation of Section Cos 4.10(4) & 4.01(3r) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code  
Investigator 11/09/2021  
Signature of Division Investigative Staff Title Date  
Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

Pursuant to Wis. Stat. § 454.15(3), the licensing authority is authorized to impose a forfeiture in lieu of or in addition to other disciplinary action against your license.

PLEASE TAKE NOTICE THAT THE CREDENTIAL HOLDER MAY DEPOSIT A FORFEITURE IN THE AMOUNT OF \$250.00 BY MAILING A CHECK OR MONEY ORDER NO LATER THAN TWENTY (20) DAYS FROM THE DATE OF THIS CITATION, TOGETHER WITH THE SIGNED COPY OF THIS FORM TO: DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES, DIVISION OF LEGAL SERVICES & COMPLIANCE, PO BOX 7190, MADISON, WI 53707-7190. IF THIS CITATION IS ISSUED TO BOTH AN INDIVIDUAL CREDENTIAL HOLDER AND AN ESTABLISHMENT, ONE HALF OF THE FORFEITURE IS DEEMED TO BE ASSESSED AGAINST EACH CREDENTIAL. PAYMENT SHALL BE TREATED AS A PLEA OF NO CONTEST TO THE VIOLATION CITED ABOVE AND CONSENT TO AN ORDER OF FORFEITURE, NOT TO EXCEED THE AMOUNT OF THE DEPOSIT.

Please reference "NOTICE OF RIGHT TO CONTEST" on reverse side of this form.

\_\_\_\_\_  
A Member of the Board

\_\_\_\_\_  
Date

#3053DLSC (02/20)  
Ch.454, Stats.

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