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

OF DEFAULT

TIM NGUYEN, AND

TT NAILS,

RESPONDENTS.

ORDER U007779

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). 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.

¹ 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 semisolid 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 <u>DSPSMonitoring@wisconsin.gov</u>

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

	na 1	
by:	Megan Jackson	24 January 2022
	A Member of the Board	Date

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

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Tim Nguyen			ΓΤ Nails				
☑ Individual Credential Holder Name License # 91576-82			l Establishment Name icense # 4179-71				
134 E Capitol Dr			waukee, WI	53212			
Street		City			Zip		
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	w		Investigator		11/09/2021		
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P.O. Box 7190 Mail To:

Madison, WI 53707-7190

FAX #: Phone #: (608) 266-2264 (608) 266-2112

4822 Madison Yards Way Madison, WI 53705

E-Mail: dsps@wisconsin.gov Website: http://dsps.wi.gov

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CITATION FOR ADMINISTRATIVE FORFEITURE

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Mail To: P.O. Box 7190

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Madison, WI 53707-7190

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COSMETOLOGY EXAMINING BOARD

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COSMETOLOGY EXAMINING BOARD

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COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

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COSMETOLOGY EXAMINING BOARD

<u>CITATION FOR ADMINISTRATIVE FORFEITURE</u>

DLSC CASE FILE # 18 BAC 052 Tim Nguyen			FINAL DECISION AND ORDER ORDER # TT Nails				
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COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

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Citation 8 of 8