

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
THAM T. TRAN AND	:	
OSHKOSH NAIL SALON,	:	
RESPONDENTS.	:	ORDER 0007780

Division of Legal Services and Compliance Case Numbers 19 BAC 036 and 19 BAC 048

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

Tham T. Tran
Oshkosh, WI 54904-5490

Oshkosh Nail Salon
Oshkosh, WI 54904

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 5 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 Tham T. Tran (Birth Year 1979) is licensed in the state of Wisconsin as a manicurist, having license number 6675-85, first issued on February 27, 2007 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 Oshkosh, Wisconsin 54904-5490.

2. Respondent Oshkosh Nail Salon is licensed in the state of Wisconsin as a manicuring establishment, having license number 4570-71, first issued on June 2, 2015 and current through March 31, 2023. Respondent's most recent address on file with the Department is in Oshkosh, Wisconsin 54904.

3. Respondent Tham T. Tran is identified in Department records as the responsible licensee for Oshkosh Nail Salon.

4. On April 27, 2019 and June 16, 2019, the Department received complaints alleging that Respondents were performing services in an unsanitary and unsafe manner. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Numbers 19 BAC 036 and 19 BAC 048 for investigation.

5. Following an inspection on February 19, 2020, a Division of Legal Services and Compliance (Division) investigator issued 5 citations to Respondents for violating Wis. Admin. Code §§ Cos 2.04(1), 3.01(6), 4.01(1), 4.01(4), and 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 July 8, 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 in the unlicensed practice of manicuring by allowing C.H. to provide manicuring services in Oshkosh Nail Salon without a license and by providing waxing services without an aesthetics establishment license.

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

4. Respondents violated Wis. Admin. Code §§ Cos. 4.01(1) and (4) by maintaining equipment and tools for providing waxing and manicuring services in an unsanitary and unsafe condition by keeping semi-solid substances in a container that would prevent contamination of the unused portion of that substance.

5. Respondents violated Wis. Admin. Code §§ Cos. 4.01(1) and (4) by not storing cotton, paper towel strips, clippers, brushes, towels and instruments for waxing in a covered container. Respondents failed to keep disinfectant used for decontamination in a covered container.

6. Respondents violated Wis. Admin. Code § Cos. 4.10(4) by failing to dispose of manicuring instruments that cannot be cleaned and disinfected after each use.

7. As a result, Respondents are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i) and (3).

8. 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.

9. 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 \$900 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://dpsmonitoring.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>19 BAC 036 & 048</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Tham Tran</u>	<u>Oshkosh Nail Salon</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>6675-85</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>4570-71</u>

<u>2077 Witzel Ave</u>	<u>Oshkosh, WI</u>	<u>54904</u>
Street	City	Zip
<u>Wednesday</u>	<u>Feb 19, 2020</u>	<u>3:00 pm</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.

Tham Tran and Oshkosh Nail Salon assisted in the unlicensed practice of manicuring by allowing Cam Huynh to provide manicuring services in Oshkosh Nail Salon without a license and by providing waxing services without an aesthetics establishment license.

In violation of Section Cos 2.04(1) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 07/08/2021
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 \$ 500.00 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 5

Committed to Equal Opportunity in Employment and Licensing

Exhibit A Page 1 of 5

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

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

COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 036 & 048</u>	FINAL DECISION AND ORDER ORDER # _____
<u>Tham Tran</u>	<u>Oshkosh Nail Salon</u>
<input checked="" type="checkbox"/> Individual Credential Holder Name License # <u>6675-85</u>	<input checked="" type="checkbox"/> Establishment Name License # <u>4570-71</u>

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Street	City	Zip
<u>Wednesday</u>	<u>Feb 19, 2020</u>	<u>3:00 pm</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.

Tham Tran and Oshkosh Nail Salon stored cleaning and disinfecting equipment in an unsecured location.

In violation of Section Cos 3.01(6) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 07/08/2021
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

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Date

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Ch.454, Stats.

Citation 2 of 5

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Exhibit A Page 2 of 5

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COSMETOLOGY EXAMINING BOARD

CITATION FOR ADMINISTRATIVE FORFEITURE

DLSC CASE FILE # <u>19 BAC 036 & 048</u>	FINAL DECISION AND ORDER
<u>Tham Tran</u>	ORDER # _____
<input checked="" type="checkbox"/> Individual Credential Holder Name	<u>Oshkosh Nail Salon</u>
License # <u>6675-85</u>	<input checked="" type="checkbox"/> Establishment Name
	License # <u>4570-71</u>

<u>2077 Witzel Ave</u>	<u>Oshkosh, WI</u>	<u>54904</u>
Street	City	Zip
<u>Wednesday</u>	<u>Feb 19, 2020</u>	<u>3:00 pm</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.

Tham Tran maintained Oshkosh Nail Salon's equipment and tools for providing waxing and manicuring services in an unsanitary and unsafe condition by keeping semi-solid substances in a container that would prevent contamination of the unused portion of that substance.

In violation of Section Cos 4.01(1) & (4) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 07/08/2021
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

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COSMETOLOGY EXAMINING BOARD

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License # <u>6675-85</u>	<input checked="" type="checkbox"/> Establishment Name
	License # <u>4570-71</u>

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Street	City	Zip
<u>Wednesday</u>	<u>Feb 19, 2020</u>	<u>3:00 pm</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.

Tham Tran and Oshkosh Nail Salon did not store cotton, paper towel strips, clippers, brushes, towels and instruments for waxing in a covered container. Tham Tran and Oshkosh Nail Salon failed to keep disinfectant used for decontamination in a covered container.

In violation of Section Cos 4.01(1) & (4) of ☐ Wis. Stats. OR ☒ Wis. Adm. Code
[Signature] Investigator 07/08/2021
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee OR ☐ Establishment Owner Date

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<u>Wednesday</u>	<u>Feb 19, 2020</u>	<u>3:00 pm</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.

Tham Tran and Oshkosh Nail Salon failed to dispose of manicuring instruments that cannot be cleaned and disinfected after each use.

In violation of Section Cos 4.10(4) of ☐ Wis. Stats. **OR** ☒ Wis. Adm. Code
[Signature] Investigator 07/08/2021
Signature of Division Investigative Staff Title Date

Signature of ☐ Licensee **OR** ☐ Establishment Owner Date

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