

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ADVANCED NAIL TECH ACADEMY,
RESPONDENT.

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:

FINAL DECISION AND ORDER

ORDER 0008075

Division of Legal Services and Compliance Case No. 22 RBC 003

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

Advanced Nail Tech Academy
Milwaukee, WI 53212

Wisconsin Department of Safety and Professional Services
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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Advanced Nail Tech Academy is licensed by the State of Wisconsin as a school of manicuring, having license number 147-89, first issued on February 16, 2021 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 Milwaukee, Wisconsin 53212.

2. On March 31, 2022, the Department conducted an inspection of Respondent Advanced Nail Tech Academy. The inspection revealed the following issues:

- a. The price list advertised waxing services that were not offered and the school was not licensed to provide.

- b. The insect repellant Raid was stored unsecured underneath the handwashing sink near the back of the establishment.
- c. Clean towels were uncovered.
- d. Barbicide was in an uncovered container.

3. On March 31, 2022, the Department emailed Respondent Advanced Nail Tech Academy and asked them to address the issues revealed in the inspection.

4. On April 22, 2022, Respondent Advanced Nail Tech Academy emailed the Department photos showing that the sanitary issues revealed in the inspection had been addressed. Respondent Advanced Nail Tech Academy also explained that the sign showing waxing prices had been covered and that this service was not offered.

5. In resolution of this matter, Respondent Advanced Nail Tech Academy consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.64, 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 Advanced Nail Tech Academy violated Wis. Admin. Code § SPS 62.11(1)(g) by violating Wis. Stat. Ch. 454 in the operation of a school or specialty school or establishment associated with a school or specialty school.

3. By the conduct described in the Findings of Fact, Respondent Advanced Nail Tech Academy violated following:

- a. Wis. Admin. Code § Cos 2.05(1) by advertising in a manner that was not truthful or accurate and that may mislead the public.
- b. Wis. Admin. Code § Cos 3.01(6) by failing to lock poisonous substances in a cabinet or closet.
- c. Wis. Admin. Code § Cos 4.02(4) by failing to place clean and disinfected contact equipment in covered containers, and failing to provide separate containers for the immediate storage of soiled contact equipment until cleaned and disinfected.
- d. Wis. Admin. Code § Cos 4.02(5) by failing to keep disinfectant used for decontamination in a covered container.

4. As a result of the above violations, Respondent Advanced Nail Tech Academy is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b) and (c).

ORDER

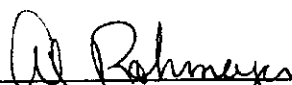
1. The attached Stipulation is accepted.
2. Respondent Advanced Nail Tech Academy (license number 147-89) is REPRIMANDED.
3. Within ninety (90) days of the date of this Order, Respondent Advanced Nail Tech Academy shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$376, for a total of \$876.
4. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Payment may also be made online at: <https://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (number 147-89), or Respondent's right to renew its license, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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 DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: 
A Member of the Department

8/5/2022
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ADVANCED NAIL TECH ACADEMY,
RESPONDENT.

STIPULATION

ORDER 0008075

Division of Legal Services and Compliance Case No. 22 RBC 003

Respondent Advanced Nail Tech Academy 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 Department of Safety and Professional Services (Department). 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 Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 Department ever assigned as an advisor in this investigation may appear before the Department 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 Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Department adopt this Stipulation, the Department'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 Department adopt this Stipulation and issue the attached Final Decision and Order.

Tokara Henry
Advanced Nail Tech Academy, Respondent
Milwaukee, WI 53212
Credential No. 147-89

7.13.22
Date

Megan Reed
Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

07/14/2022
Date