

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

SON T. LIEU,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0008440

Division of Legal Services and Compliance Case No. 20 BAC 040

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

Son T. Lieu
Fort Atkinson, WI 53538

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 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 Son T. Lieu (Birth Year 1968) is licensed by the State of Wisconsin as a manicurist, having license number 5061-85, first issued on November 4, 2002 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 Fort Atkinson, Wisconsin 53538.

2. On May 22, 2020, the Department received a complaint alleging that Complainant was injured while receiving a pedicure from Respondent. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 BAC 040 for investigation.

3. On May 21, 2020, Respondent performed a pedicure on Complainant. After soaking Complainant's feet for a few minutes, Respondent used a metal file to rub Complainant's feet. Complainant felt no pain initially, but as the treatment continued,

Respondent rubbed too aggressively causing immediate pain and bleeding. Respondent then soaked a cotton ball in alcohol, placed it over the sore, and applied a Band-Aid.

4. On September 25, 2020, the Department mailed a letter to Respondent's spa to request a response to the complaint.

5. On October 3, 2020, Respondent's manager apologized for the incident, and stated that Respondent had used a "the Sunny Deluxe Pedicure file 3.0" to carefully remove a callous on Complainant's foot, but that in one area, the callous was thinner which caused the abrasion to form.

6. According to the website for the Sunny Deluxe Pedicure file 3.0, it is a stainless steel rasp that is used to shave off calluses and dried skin.

7. On August 12, 2021, the Department emailed Respondent to ask him to describe his process for when a client is injured, and to ask if he had been properly trained on how to deal with such a situation.

8. On August 12, 2021, Respondent explained that if a client is cut, the manicurist should apologize and get the first aid kit, wash the cut with 70% isopropyl alcohol, then apply a Band-Aid to the abrasion. Then, all gloves, cotton balls, bandages, and materials that were used are to be placed in a sealed plastic bag and disposed of. The tools will then be sterilized in barbicide. Respondent stated that he was properly trained to handle such a situation.

9. The description above does not include all steps of the disinfection, sanitation, and procedure for exposure to blood.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15(2), 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 perform services in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Cos 4.045 by using a pumice stone or credo razor when providing services.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 454.15(2)(c) and (i).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Son T. Lieu is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Son T. Lieu shall pay the COSTS of this matter in the amount of \$311.
4. All submissions, including 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (number 5061-85), or Respondent's right to renew his 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

3/27/2023
Date

STATE OF WISCONSIN
BEFORE THE COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SON T. LIEU,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008440

Division of Legal Services and Compliance Case No. 20 BAC 040

Respondent Son T. Lieu 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 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.

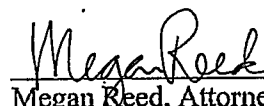
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Son T. Lieu, Respondent
Fort Atkinson, WI 53538
Credential No. 5061-85

2/1/23
Date



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

02/15/2023
Date