

BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETOLOGY)
AND BARBER EXAMINERS;)
)
Petitioner,)
)
v.)
)
TUAN QUOC PHAM,)
d/b/a J.C. NAILS)
)
Respondent.)

CASE # 09-1565 CB

ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE COSMETOLOGY ESTABLISHMENT LICENSE OF
TUAN QUOC PHAM, d/b/a J.C. NAILS

On or about January 31, 2011, the Administrative Hearing Commission entered its Consent Order in the case of *State Board of Cosmetology and Barber Examiners v. Tuan Quoc Pham d/b/a J.C. Nails*, Case No. 09-1565 CB. In that Consent Order, the Administrative Hearing Commission ("AHC") found that Respondent Tuan Quoc Pham, d/b/a J.C. Nails' cosmetology establishment license (license # 060915) is subject to disciplinary action by the State Board of Cosmetology and Barber Examiners ("Board") pursuant to § 329.140.2(6), RSMo 2000.¹ The AHC incorporated the parties' proposed findings of fact and the AHC's revised conclusions of law into the Consent Order.

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Consent Order of the Administrative Hearing

¹ Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri, as amended.

Commission. The record and Consent Order of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 329.140.3, RSMo, the Board held a hearing on September 19, 2011, at approximately 1:00 p.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining the appropriate disciplinary action against Respondent's license. The Board was represented by Legal Counsel Tina Crow Halcomb. Respondent, having received proper notice and opportunity to appear, appeared in person with legal counsel, Elkin Kisner. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Board hereby states:

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo, for the purpose of licensing all persons engaged in the practice of barbering and cosmetology in this state. The Board has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapters 328 and 329, RSMo.

2. The Board hereby adopts and incorporates by reference the Consent Order of the Administrative Hearing Commission in *State Board of Cosmetology and Barber Examiners v. Tuan Quoc Pham, d/b/a J.C. Nails*, Case No. 09-1565 CB, in its entirety.

3. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

4. This Board has jurisdiction over this proceeding pursuant to § 621.110 and § 329.140.3, RSMo.

5. The Board expressly adopts and incorporates by reference the conclusions of law contained in the Consent Order issued by the Administrative Hearing Commission on January 31, 2011, in *State Board of Cosmetology and Barber Examiners v. Tuan Quoc Pham, d/b/a J.C. Nails*, Case No. 09-1565 CB, and hereby enters its Conclusions of Law consistent therewith.

6. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Consent Order on January 31, 2011, Respondent's cosmetology establishment license, number 060915 is subject to disciplinary action by the Board pursuant to § 329.140.2(6), RSMo.

7. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Consent Order of the Administrative Hearing Commission, it is the ORDER of the Board that the cosmetology establishment license of Tuan Quoc Pham, d/b/a J.C. Nails (license no. 060915) is hereby CENSURED.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent of Chapter 329, RSMo, or the regulations promulgated thereunder.

The Board will maintain this Order as an open, public record of the Board as provided in Chapters 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 18 DAY OF October, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director