BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS,	)	
Petitioner,	)	
v.	)	Case No. 11-0035 CB
THUY THI NGUYEN,	)	
Respondent.	)	

ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE COSMETOLOGY ESTABLISHMENT AND MANICURIST LICENSES OF THUY THI NGUYEN

On or about October 16, 2012, the Administrative Hearing Commission entered its final Decision in the case of *Missouri Board of Cosmetology and Barber Examiners v. Thuy Thi Nguyen*, Case No. 11-0035 CB. In that Decision, the Administrative Hearing Commission found that Respondent Nguyen's cosmetology establishment license (license # 2007034433) and cosmetology/manicurist license (license # 2004018594) are subject to disciplinary action by the State Board of Cosmetology and Barber Examiners ("Board") pursuant to § 329.140.2(13), RSMo[1], for violation of professional trust or confidence by failing to report correct information to the Board in her applications.

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Pursuant to notice and §§ 621.110 and 329.140.3, RSMo, the Board held a hearing on March 18, 2013, at approximately 9:00 a.m., at the Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. The Board was represented by Legal Counsel Tina Crow Halcomb. Respondent was present individually and communicated though an interpreter. 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.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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 Decision of the Administrative Hearing Commission in *Missouri Board of Cosmetology and Barber Examiners v. Thuy Thi Nguyen*, Case No. 11-0035 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.

4. Nguyen testified, through an interpreter, at the March 18, 2013 disciplinary hearing that she did pay a person $250 to get Nguyen a Missouri license through reciprocity from Florida. She testified that she did not mean to do anything wrong.

II.

CONCLUSIONS OF LAW

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

6. The Board expressly adopts and incorporates by reference the Conclusions of Law contained in the Decision issued by the Administrative Hearing Commission on October 16, 2012, in *Missouri Board of Cosmetology and Barber Examiners v. Thuy Thi Nguyen*, Case No. 11-0035 CB, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Decision on October 16, 2012, Respondent's cosmetology establishment and cosmetology/manicurist licenses are subject to disciplinary action by the Board pursuant to § 329.140.2(13), RSMo.

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

III.

ORDER

9. Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that the cosmetology establishment (license # 2007034433) and the cosmetology/manicurist (license #2004018594) licenses of Thuy Thi Nugyen shall immediately be **REVOKED**. Nguyen shall immediately return all indicia of licensure to the Board.

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 5th DAY OF APRIL, 2013

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

Emily R. Carroll

Emily Carroll, Executive Director