

**BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

STATE BOARD OF COSMETOLOGY)
AND BARBER EXAMINERS,)
)
Petitioner,)
)
v.) Case No. 14-001 PV
)
MUOI TRAN,)
d/b/a MISS NAILS,)
Respondent.)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER**

At its regularly scheduled meetings on October 26, 2014, and pursuant to notice described in the Findings of Fact, the Missouri State Board of Cosmetology and Barber Examiners ("Board") took up the probation violation complaint alleging that Muoi Tran, d/b/a Miss Nails ("Respondent") failed to comply with the terms of probation of her cosmetology establishment license, license number 2009015630.

The board appeared at the October 26, 2014 hearing through its attorney Scott Evans.

Respondent did not appear individually, or by counsel, at the October 26, 2014 hearing, despite adequate notice.

Division of Professional Registration Chief Legal Counsel Sarah Ledgerwood served as the board's legal advisor at the October 26, 2014 hearing, during deliberations.

Findings of Fact

1. The Missouri State Board of Cosmetology and Barber Examiners ("Board") is an agency of the State of Missouri created and existing pursuant to § 329.015, RSMo, for the purpose of executing and enforcing the provisions of Chapters 328 and 329, RSMo.

2. Respondent is a natural person, whose addresses of record with the Board are 870 South State Route 291, Liberty, Missouri 64068 and 828 Black Oak Drive, Liberty, MO 64068.

3. Respondent holds a cosmetology establishment license, license number 2009015630, issued by the Board on or about June 16, 2009. Respondent's license was placed under probation, pursuant to a July 8, 2011 Settlement Agreement. Respondent's establishment license was placed on probation because unlicensed persons were allowed to offer and perform cosmetology services and sanitation violations were found at Miss Nails. The Board placed the license on three (3) years' probation.

4. Respondent owns and operates a cosmetology establishment, Miss Nails, located at 870 South State Route 291, Liberty, Missouri 64068.

5. Respondent holds a "Class MO - manicurist" license, license number 2004015761. Respondent's "Class MO - manicurist" license was at all times relevant herein, and is now, current and active. Respondent's Missouri cosmetology establishment license was closed on September 6, 2014 by Licensee.

6. During the probationary period, Respondent was entitled to offer and engage in the practice of cosmetology pursuant to Chapter 329, RSMo, provided that she adhered to all the terms and conditions of the July 8, 2011 Settlement Agreement regarding the probationary license.

7. The July 8, 2011 Settlement Agreement required Respondent to comply with all provisions of Chapter 329, RSMo, all applicable board regulations, all applicable federal and state drug laws, rules and regulations, and all applicable federal and state criminal laws.

8. On or about October 24, 2013, the Board's inspector conducted an inspection of Miss Nails. The Board's inspector found Miss Nails to be open and operating. Respondent was not present during the inspection.

9. During the October 24, 2013 inspection the Board's Inspector found razor-type implements in the establishment, in violation of 20 CSR 2085-11.020(2)(L).

10. On or about December 5, 2013, the Board sent Respondent and Miss Nails a violation notice, stating the specific rules of the violations found during the inspection of October 24, 2013, and indicating that all violations must be corrected immediately.

11. On or about April 10, 2014, the Board's inspector conducted a follow-up inspection of Miss Nails. The Board's inspector found Miss Nails to be open and operating. Respondent was not present during the inspection.

12. During the April 10, 2014 inspection the Board's Inspector found used and dirty buffers in the manicure drawer, in violation of 20 CSR 2085-11.020(2)(D).

13. During the April 10, 2014 inspection the Board's Inspector found apparent mold on two pedithrones and found two pedithrones which appeared to be out of order, in violation of 20 CSR 2085-11.020(1)(B).

14. During the April 10, 2014 inspection the Board's Inspector found that manicure stations needed to be cleaned, in violation of 20 CSR 2085-11.020(1)(B).

15. During the April 10, 2014 inspection the Board's Inspector found that two women and one man were performing services on customers when the inspector entered the establishment. During the inspection, these three workers hid from the inspector and failed to show proper identification and licensing, in violation of 20 CSR 2085-10.060(3).

16. During the April 10, 2014 inspection the Board's Inspector found a pile of towels in a cabinet which were unfolded, in violation of 20 CSR 2085-11.020(2)(A)(2).

17. During the April 10, 2014 inspection the Board's Inspector found used and dirty buffers in the manicure stations and waxing paraphernalia, including a waxing tub, inside manicure stations, in violation of 20 CSR 2085-11.020(1)(B).

18. On or about April 24, 2014, the Board sent Respondent and Miss Nails a violation notice, stating the specific rules of the violations found during the inspection of April 10, 2014, and indicating that all violations must be corrected immediately.

Conclusions of Law

19. The Board has jurisdiction in this proceeding, pursuant to the July 8, 2011 Settlement Agreement and § 324.042, RSMo, to determine whether Respondent violated the terms and conditions of the July 8, 2011 Settlement Agreement for her cosmetology establishment license, license number 2009015630.

20. Section 324.042, RSMo, provides:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

21. Respondent violated the terms of discipline set forth in the July 8, 2011 Settlement Agreement, as described in the Findings of Fact of this Order.

22. The July 8, 2011 Settlement Agreement and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of July 8, 2011 Settlement Agreement as described in the Findings of Fact of this Order.

Decision and Order

23. It is the decision of the Missouri State Board of Cosmetology and Barber Examiners that Respondent violated the terms of the July 8, 2011 Settlement Agreement, and that her cosmetology establishment license, license number 2009015630, is therefore, subject to further disciplinary action.

24. The Missouri State Board of Cosmetology and Barber Examiners orders that the cosmetology establishment license, license number 2009015630, for Muoi Tran, d/b/a Miss Nails, be and is hereby **REVOKED**. Respondent's cosmetology establishment licensure was returned to the Board on September 6, 2014 with the Notice of Closing.

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

SO ORDERED, EFFECTIVE THIS 11 DAY OF DECEMBER, 2014.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director