

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

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS,)))
)))
	Petitioner,))
v.))	Case No.
)))
QUANG NGOC NGUYEN)))
)))
	Respondent.))

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

At its regularly scheduled meeting on January 10, 2011 at approximately 10:35 a.m., 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 Quang Ngoc Nguyen ("Nguyen"), license number 2009033450, has failed to comply with the terms of its probation of his probationary Class MO Manicurist license.

The board appeared at the hearing through its attorney Tina Crow Halcomb. Quang Ngoc Nguyen was present and testified on his own behalf. Division of Professional Registration Legal Counsel Earl Kraus served as the board's legal advisor at the hearing, during deliberations, and in the preparation of this order.

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. Quang Ngoc Nguyen (Nguyen) is a natural person whose address of record for the Board is 4500 Pine Hurst, Jefferson City, Missouri 65102.
3. Nguyen holds a probationary Class MO Manicuring license issued by the Board, license number 2009033450.
4. Nguyen's Class MO Manicuring license, license number 2009033450, was at all relevant times, current and active.

5. The Board issued Nguyen's probationary Class MO Manicuring license on or about October 30, 2009 with an Order of Probation. Nguyen received the probationary license because he failed to disclose on his application that in 2003 both his Class MO Manicuring license and an establishment license he held for Nail Studio were revoked by the Board.

6. During the probationary period, Nguyen was entitled to practice as a licensed Class MO Manicurist pursuant to Chapter 329, RSMo provided that he adhered to all the terms and conditions of the probation order.

7. The Order of Probation states on page 4, Section IV, paragraph A, as a term and condition, that Nguyen shall take and pass the written and practical portion of the Class MO Manicuring examination. Additionally, the Order of Probation ordered Nguyen to comply with all provisions of Chapter 329, all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws.

8. The Order of Probation states on page 5, paragraph G, that Nguyen shall file written reports to the Board by January 1 and July 1 of each year of probation. The first report was due January 1, 2010. Nguyen did not file his first report until February 11, 2010. In the February 11, 2010 report, Nguyen admitted that he had not yet taken or passed the manicurist examinations because of his divorce proceeding in Florida. He stated he would hopefully be finished in March 2010 and would call the Board when he was ready.

9. Nguyen's second written report as required by page 5, paragraph G of the Order of Probation was due on July 1, 2010. Nguyen did not file the report until July 21, 2010. Nguyen acknowledged that the report was late and stated he was working as a manicurist in Jefferson City. Nguyen still had not taken or passed the manicurist examinations.

10. On or about October 18, 2010, the Board sent Nguyen a copy of the probation violation complaint filed with the Board and notice of a probation violation hearing scheduled for November 8, 2010 at 2:00 p.m. at the Division of Professional Registration in Jefferson City. On November 1, 2010 Nguyen requested a continuance of the hearing. On December 2, 2010, the Board sent Nguyen a revised notice of probation violation hearing scheduled for January 10, 2011 at 10:00 a.m. at the Division of Professional Registration. Nguyen appeared for the January

10, 2011 hearing and testified before the Board regarding his late reports and failure to take the manicurist examination.

Conclusions of Law

A. The Committee has jurisdiction in this proceeding, pursuant to the October 30, 2009 Order and § 324.042 RSMo, to determine whether Nguyen has violated the terms and conditions of the October 30, 2009 Order for his class MO manicurist license.

B. Nguyen violated the terms of discipline set forth in the October 30, 2009 Order, as described in the Findings of Fact of this Order, paragraphs 5-10 above in that Nguyen failed to timely file reports and failed to take and pass the written and practical manicurist examinations.

C. The October 30, 2009 Order 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 October 30, 2009 Order.

D. Jurisdiction and venue are proper before the State Board of Cosmetology and Barber Examiners pursuant to the October 30, 2009 Order and § 324.042, RSMo, which authorizes the Board to impose additional discipline in a disciplinary hearing arising from a probation violation.

Decision and Order

It is the decision of the Missouri State Board of Cosmetology and Barber Examiners that Nguyen has violated the terms of the October 30, 2009, Order, and that his class MO Manicurist license is, therefore, subject to further disciplinary action.

The Missouri State Board of Cosmetology and Barber Examiners orders Nguyen's class MO manicurist license, license number 2009033450, is immediately **SUSPENDED** for no less than thirty (30) calendar days starting from the date of this Order. Immediately following the suspension, Nguyen's manicurist license shall remain on probation as set forth in the October 30, 2009 Order and be placed on two additional years of **PROBATION**. The additional two years will conclude October 30, 2014. Nguyen's current and additional probation shall be subject to the terms and conditions set forth below.

Terms and Conditions

During the aforementioned probation, Nguyen shall be entitled to offer and perform services as a licensed class MO manicurist subject to the following terms and conditions:

- A. During the disciplinary period, Nguyen shall comply with all provisions of Chapter 329, RSMo (as amended), all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.
- B. During the disciplinary period, Nguyen shall keep the Board informed of his current work telephone numbers. Nguyen shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Nguyen shall timely renew his manicurist license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.
- D. During the probationary period, Nguyen shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- E. During the disciplinary period, Nguyen shall appear in person for interviews with the Board or its designee upon request.
- F. Nguyen shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before July 1, 2011.
- G. If, at any time during the probationary period, Nguyen changes his address from the state of Missouri, or ceases to maintain his manicurist license current or active under the provisions of Chapter 329, RSMo (as amended), or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.
- H. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board as provided by Chapter 536, RSMo (as amended).
- I. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1335, Jefferson City, Missouri 65102.
- J. Any failure by Nguyen to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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 9th DAY OF FEBRUARY, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director