

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND  
BARBER EXAMINERS AND MY LOAN HOANG**

Comes now My Loan Hoang ("Licensee") and the Missouri Board of Cosmetology and Barber Examiners ("Board") and enters into this settlement agreement for the purpose of resolving the question of whether Licensee's cosmetology establishment license and "Class CA - Hairdressing and Manicuring" operator license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo, the parties waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline Licensee's licenses, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Board at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's licenses. Being aware of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's establishment

d. There were two individuals performing services who could not provide proper identification upon request, in violation of 20 CSR 2085-4.040(1); and,

e Implements were not being stored properly, in violation of 20 CSR 2085-11.020(2)(D).

7. On or about April 19, 2021, the Board sent Licensee a violation notice regarding the April 16, 2021 inspection.

8. On or about May 25, 2021, the Board's inspector conducted an inspection of the establishment.

9. The Board's inspection revealed that four individuals performing services within the shop without Missouri operator licenses, in violation of 20 CSR 2085-10.060(3), and that towels were not placed on manicuring tables while services were being performed, in violation of 20 CSR 2085-11.020(2)(A)(2).

10. On or about June 2, 2021, the Board sent Licensee a violation notice regarding the May 25, 2021 inspection.

11. On or about July 7, 2021, the Board's inspector conducted an inspection of the establishment.

12. The Board's inspection revealed that there was an individual performing services within the shop without a Missouri operator license, in violation of 20 CSR 2085-10.060(3).

13. On or about July 14, 2021, the Board sent Licensee a violation notice regarding the July 7, 2021 inspection.

14. On or about September 2, 2021, the Board's inspector conducted an inspection of the establishment.

15. The Board's inspection revealed that there were individuals performing services within the shop without a Missouri operator license, in violation of 20 CSR 2085-10.060(3).

according to the manufacturer's instructions. All implements shall be completely immersed in the solution or, if not capable of immersion, thoroughly dipped in the solution for a period of not less than five (5) minutes. Implements shall either be stored in the solution or removed and stored in a dust-tight cabinet, covered container, or drawer at all times when not in use. The dust-tight cabinet, covered container, or drawer shall be kept free of other items not capable of being disinfected. Implements shall be permitted to air-dry.

19. Regulation 20 CSR 2085-4.040(1) states as follows:

(1) All licensees must possess or obtain one (1) of two (2) forms of state identification. (A) The first acceptable form of identification is an automobile driver's license from any state; or (B) The second acceptable form of identification is a Missouri state identification card. Missouri state identification cards may be obtained from the Missouri Department of Revenue's offices throughout the state.

(2) All licensees must carry one (1) of these forms of identification with them at all times when providing any professional barber or cosmetology services. Licensees must immediately produce one (1) of these forms of identification upon demand to any board inspector, to the board or its representative.

20. Section 329.030, RSMo, states:

It is unlawful for any person in this state to engage in the occupation of cosmetology or to operate an establishment or school of cosmetology, unless such person has first obtained a license as provided by this chapter.

21. Licensee's conduct, as set forth above, constitutes incompetence, misconduct, misrepresentation, and/or dishonesty in the performance of the functions or duties of a cosmetology establishment and hairdresser/manicurist for which the Board has cause to take disciplinary action against Licensee's cosmetology establishment license and "Class CA - Hairdressing and Manicuring" operator license pursuant to § 329.140.2(5), RSMo.

22. Licensee's conduct, as set forth above, constitutes a violation of Chapter 329, RSMo, and lawful regulations adopted pursuant to Chapter 329, RSMo, for which the Board has cause to take

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

...

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;

...

(13) Violation of any professional trust or confidence;

...

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

### **Joint Agreed Disciplinary Order**

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of Chapters 621 and 329, RSMo:

1. Licensee's establishment license and "Class CA - Hairdressing and Manicuring" operator license shall be placed on **PROBATION** for a period of three (3) years. During Licensee's probation, Licensee shall be entitled to engage in the practice of cosmetology under Chapter 329, RSMo, provided Licensee adheres to all of the terms of this settlement agreement.

2. **REQUIREMENTS**

A. Licensee shall correct all noted violations and become compliant with the noted statutes and state regulations within thirty (30) days of the effective date of this Settlement Agreement.

signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

5. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

6. Licensee understands that Licensee may, either at the time the Settlement Agreement is signed by all parties or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's licenses. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit its request to: Administrative Hearing Commission, United States Post Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

7. If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Licensee's licenses. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes into effect fifteen (15) days after the document is signed by the Executive Director of the Board.

LICENSEE

My Loan Hoang

My Loan Hoang  
COA License Number 2014007230

BES License Number 2014017292

Date 12/10/22

BOARD

Karla Johansen

Karla Johansen, Executive Director  
Missouri Board of Cosmetology and Barber  
Examiners

Date 1/20/2022