

SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND BARBER EXAMINERS AND TRINH TRAN AND "JIMMY NAILS"

Come now Trinh Tran, and "Jimmy Nails", (collectively "Licensees") and the Missouri Board of Cosmetology and Barber Examiners ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether the beauty establishment license of "Jimmy Nails" and the "Class CA – hairdressing and manicuring" license held by Trinh Tran will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,<sup>1</sup> the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensees' licenses, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensees acknowledge that Licensees understand the various rights and privileges afforded Licensees by law, including the right to a hearing of the charges against Licensees; the right to appear and be represented by legal counsel; the right to have all charges against Licensees proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensees; the right to present evidence on Licensees' 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 Licensees and, subsequently, the right to a disciplinary hearing before the Board at which time Licensees may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensees' licenses. Being aware of these rights provided Licensees by operation of law, Licensees knowingly and voluntarily waive each and every one of these rights and freely enter into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to Licensees.

Licensees acknowledge that Licensees have received a copy of the inspection reports and other documents relied upon by the Board in determining there was cause to discipline Licensees' licenses, along with citations to law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensees stipulate that the factual allegations contained in this Settlement Agreement are true and stipulates with the Board that the establishment license of "Jimmy Nails",

---

<sup>1</sup> All statutory references are to Missouri Revised Statutes, as amended, unless otherwise indicated.

**RECEIVED**  
**APR 24 2015**  
Missouri Board of Cosmetology  
& Barber Examiners

numbered 2007037165, and the operator license of Trinh Tran, numbered 2009022083, are subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo.

Joint Stipulation of Fact and Conclusions of Law

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

2. A beauty shop establishment license was issued by the Board, on or about December 13, 2007, license number, 2007037165, for "Jimmy Nails", located at 12757 New Halls Ferry, Florissant, Missouri 63033. The license was last renewed on or about July 25, 2023, and has an expiration date of September 30, 2025.

3. Trinh Tran holds a "Class CA – hairdressing and manicuring" operator, license number 2009022083, originally issued by the Board on July 24, 2009. The license was last renewed on or about August 24, 2023, and has an expiration date of September 30, 2025.

4. On or about June 10, 2024, the Board conducted an inspection at the "Jimmy Nails" establishment. The inspection revealed implements and instruments were not cleaned after use and the workstation, backbars, rollabouts, and floors were dirty at the time of the inspection was not clean, in violation of 20 CSR 2085-11.020(2)(D) and 20 CSR 2085-11.020(1)(B). There was no prohibited practices flyer posted and credo blades were found in the establishment, in violation of 20 CSR 2085-11.020(2)(L). The floor was not free of nail clippings and covered in nail dust, in violation of 20 CSR 2085-11.020(2)(I). There were three individuals performing services within the establishment without Missouri Licenses, in violation of 20 CSR 2085-10.060(3). Clean towels were not stored properly, dirty towels were on the manicuring tables when not in use and soiled towels were not in a closeable leak proof container, in violation of 20 CSR 2085-11.020(2)(A)(3). Hong Ying Kang's expired operator license was posted, in violation of 20 CSR 2085-10.060(1). On or about June 17, 2024, the Board sent Licensee a violation notice following the June 10, 2024, inspection.

5. On or about August 27, 2024, the Board conducted an inspection at the "Jimmy Nails" establishment. The inspection revealed workstation and drawers were dirty and not kept clean, in violation of CSR 2085-11.020(1)(B). The floor was not free of nail clippings, in violation of 20 CSR 2085-11.020(2)(I). Loi Pham's operator license was expired due to non-renewal, in violation of 20 CSR 2085-7.040(2)(A). Loi Pham

RECEIVED  
APR 24 2025  
Missouri Board of Cosmetology  
& Barber Examiners

and Trinh Trans's expired operator licenses were posted, in violation of 20 CSR 2085-10.060(1). On or about August 29, 2024, the Board sent Licensee a violation notice following the August 27, 2024, inspection.

6. On or about October 18, 2024, the Board conducted an inspection at the "Jimmy Nails" establishment. The inspection revealed dirty implements were found in workstation drawers, not cleansed after each use, in violation of 20 CSR 2085-11.020(2)(D). Backbars, workstations, and rollabouts were dirty and not kept clean, in violation of 20 CSR 2085-11.020(1)(B). Clean towels were not stored properly, in a closeable leak proof container, in violation of 20 CSR 2085-11.020(2)(A)(2). Trinh Tran and Loi Pham's expired operator licenses were posted, in violation of 20 CSR 2085-10.060(1). On or about October 29, 2024, the Board sent Licensee a violation notice following the October 18, 2024, inspection.

7. Regulation 20 CSR 2085-7.040 states, in relevant part:

(2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application postmarked after September 30 will be returned and the applicant will be required to reinstate.

(A) Any cosmetologist whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:

1. Reinstatement application for renewal of licensure; and 2. The current renewal fee and the late fee, as set forth in 20 CSR 2085-7.050.

(3) Inactive License—A cosmetologist may choose to place his/her license on an inactive status by signing a change in licensure status affidavit stating that he/she will not engage in the practice of cosmetology in Missouri and submitting that application to the board office along with the inactive license fee. An inactive license will be issued to individuals requesting inactive status. All inactive licenses shall expire on September 30 of each odd numbered year. (A) If an inactive cosmetologist decides to again practice cosmetology, he/she must complete a reactivation application form and submit it along with the current renewal fee. (B) An inactive cosmetologist is not eligible to practice in Missouri and will be subject to disciplinary action if he/she practices or offers to practice in Missouri.

8. Regulation 20 CSR 2085-10.060 states, in relevant part:

(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager, or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment. No license or permit issued by the board shall be posted in a licensed establishment unless the license or permit is current and active, and the licensee or permit holder is an employee of the establishment or holds a current and active renter establishment license issued by the board.

9. Regulation 20 CSR 2085-11.020 states, in relevant part:

(1) Physical Facilities.

(B) Floors, Walls, Ceilings, Equipment, and Contents. For areas where all classified occupations of cosmetology are practiced, including retail cosmetic sales counters, all floors, walls,

RECEIVED

APR 24 2025

Missouri Board of Cosmetology  
& Barber Examiners

ceilings, equipment, and contents shall be constructed of washable materials and must be kept clean and in good repair at all times. Commercial-type carpet may be used.

10. Regulation 20 CSR 2085-11.020 states, in relevant part:

(2) Sanitation Requirements.

(A) Protection of the Patron.

(2) Clean towels shall be used for each patron. A closed cabinet or drawer shall be provided for clean towels and linens.

(D) Disinfecting and Storing Implements. All implements (instruments or tools) used in cosmetology establishments and schools, including scissors, clips, blades, rods, brushes, combs, etc. shall be thoroughly cleansed after each use. All implements which may come in contact directly or indirectly with the skin of the patron shall be disinfected with an Environmental Protection Agency (EPA)-registered disinfectant, which may be a spray solution. The label on the disinfectant shall show that it is EPA-registered with demonstrated bactericidal (disinfectant), virucidal, and fungicidal activity and shall be used 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.

(I) Covered Waste Receptacles. Any cosmetology establishment or school shall be required to have covered waste receptacles for the disposal of hair and nail clippings. Hair and nail clippings shall be swept up and disposed of in a covered waste receptacle after each patron.

(L) Prohibited Practices. To prevent the risk of injury or infection---

1. A licensee shall not use or offer to use in the performance of cosmetology services, or possess on the premises of a licensed cosmetology establishment, any razor-type callus shaver designed or intended to cut growths of skin on hands or feet such as corns and calluses including, but not limited to, a credo blade or similar type instrument. Any licensee using a razor-type callus shaver prohibited by this rule at a licensed cosmetology establishment or in the performance of any cosmetology, manicuring, or esthetician services shall be deemed to be rendering services in an unsafe and unsanitary manner. Cosmetology establishment licensees shall ensure that razor-type callus shavers are not located or used on the premises of the cosmetology establishment;

2. The board shall provide a flyer prohibiting the use of these razor-type callus shavers. Every cosmetology establishment and cosmetology school shall post such flyer in plain view of the public in each of their establishment(s) and school(s); and

3. Violation of this rule shall constitute grounds for discipline under section 329.140.2(15), RSMo.

11. As a result of the violations, as described above in paragraphs 3 through 6, in violation of the statutes and regulations contained in paragraphs 7 through 10, Licensees violated lawful regulations adopted pursuant to Chapter 329, RSMo, for which the Board has cause to take disciplinary action against Licensees' establishment and operator licenses.

RECEIVED

APR 24 2025

Missouri Board of Cosmetology & Barber Examiners

12. Cause exists for the Board to take disciplinary action against Licensees' establishment and operator licenses under § 329.140.2(6), RSMo, which states in pertinent part:

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(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[.]

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 § 621.045.3, RSMo:

13. The terms of discipline shall include that the beauty shop establishment license, number 2007037165, and the operator license, numbered 2009022083, be placed on **PROBATION** for a period of three (3) years ("disciplinary period"). During Licensees' probation, Licensees shall be entitled to operate an establishment and offer and engage in the practice of cosmetology under Chapter 329, RSMo, provided Licensees adhere to all of the terms of this Settlement Agreement.

I. GENERAL REQUIREMENTS

- A. Licensees shall correct all noted violations within thirty days of the effective date of this Settlement Agreement.
- B. Licensees shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- C. Licensees shall keep the Board apprised of Licensees' current home and work addresses, telephone numbers and email address(es). Licensees shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- D. Licensees shall comply with all provisions of the Chapter 329, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.
- E. During the disciplinary period, Licensees shall timely renew Licensees' licenses and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensees' licenses in a current and active state.

RECEIVED  
APR 24 2025  
Missouri Board of Cosmetology  
& Barber Examiners

- F. If at any time during the disciplinary period, Licensees move from the state of Missouri, cease to be currently licensed under provisions of Chapter 329, or fail to advise the Board of Licensees' current place of business and residence, the time of Licensees' absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 329.140, RSMo.
- G. During the disciplinary period, Licensees shall accept and comply with unannounced visits from the Board's representatives to monitor Licensees' compliance with the terms and conditions of this Settlement Agreement.
- H. If Licensees fail to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).
- I. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 329, RSMo, by Licensees not specifically mentioned in this document.

14. The parties to this Agreement understand that the Missouri Board of Cosmetology and Barber and Examiners will maintain this Agreement as an open record of the Board as provided in Chapters 329, 610 and 324, RSMo.

15. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

16. Licensees, together with Licensees' heirs and assigns, and Licensees' 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.

17. If no contested case has been filed against Licensees, Licensees have the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement

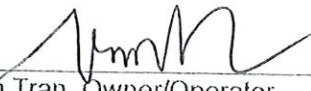
RECEIVED  
 APR 24 2025  
 Missouri Board of Cosmetology  
 & Barber Examiners


to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the licenses of the Licensees. If Licensees desire the Administrative Hearing Commission to review this Agreement, Licensees may submit this request to: Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557.

18. If Licensees have requested review, Licensees and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensees' licenses and issue findings of act and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensees' licenses. Effective the date the Administrative Hearing Commission determines that the Agreement sets forth cause for disciplining Licensees' licenses, the agreed upon discipline set forth herein shall go into effect.

LICENSEE

BOARD

  
Trinh Tran, Owner/Operator  
"Jimmy Nails"

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

Date 04/17/25

Date 05/27/2025

RECEIVED

APR 24 2025

Missouri Board of Cosmetology  
& Barber Examiners