



I.

Based upon the foregoing, the Board hereby states:

**FINDINGS OF FACT**

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. Applicant currently resides at 1208 Roland Avenue, Joplin, Missouri 64804.
3. On or about September 15, 2017, Applicant applied by reciprocity for a “Class E – estheticians” license.
4. Applicant holds a cosmetology establishment license issued by the Board on or about December 15, 2017, license number 2017043555, for Rock Star Nails & Spa, located at 1901 E. 32<sup>nd</sup> Street, Suite 1, Joplin, Missouri 64804. Applicant also holds a “Class MO – manicurist” operator, license number 2017023049, originally issued by the Board on July 3, 2017.
5. On or about February 6, 2019, Applicant’s cosmetology establishment license and Applicant’s “Class MO – manicurist” operator license were placed on probation for a period of three (3) years for violations of § 329.140.2(6) and (12), RSMo. The licenses were placed on probation specifically for assisting or enabling any person to violate, any provision of chapter 329, or of any lawful rule or regulation adopted pursuant to chapter 329; and the failure to display a valid license if so required by chapter 329, or any rule promulgated under chapter 329.

I.

CONCLUSIONS OF LAW

6. The Board has authority to deny or refuse a licensee application pursuant to § 329.140.1, RSMo, which provides:

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

7. The Board has cause to deny or refuse Applicant's application for "Class E – estheticians" license pursuant to § 329.140.2, RSMo, which provides:

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; [.]

8. As a result of Applicant's conduct, as stated in paragraph 5, the Board has cause to deny or refuse Applicant's application for a "Class E – estheticians" license pursuant to §§ 329.140.1 and 329.140.2(6), RSMo.

9. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the

board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

10. The Board issues this Order in lieu of denial of Applicant's application for a "Class E – estheticians" license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

**ORDER**

11. Based on the following Applicant Tina Nguyen is granted a "Class E – estheticians" license, which is hereby placed on **PROBATION** for a period three (3) years, subject to the terms and conditions set forth below.

IV.

**TERMS AND CONDITIONS**

12. During the aforementioned probation, Applicant Tina Nguyen shall be entitled to a "Class E – estheticians" license subject to the following terms and conditions:

- A. During the disciplinary period, Applicant shall 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. "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, Applicant shall keep the Board informed of her current work and home telephone numbers. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Applicant shall timely renew her "Class E – estheticians" 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, Applicant 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, Applicant shall appear in person for interviews with the Board or its designee upon request.
- F. If, at any time during the probationary period, Applicant changes her address from the state of Missouri, or ceases to maintain her "Class E – estheticians" license current or active under the provisions of Chapter 329, RSMo, 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.
- G. 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.
- H. 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 1062, Jefferson City, Missouri 65102.
- I. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. This Order does not bind the Board or restrict the remedies available to it concerning any violation by the Applicant of the terms and conditions of this Order, Chapters 324 and 329, RSMo, or the regulations promulgated thereunder.

14. 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 14<sup>TH</sup> DAY OF May, 2019.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

*Brittany Tomblinson*  
Brittany Tomblinson, Executive Director



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