

MINUTES OF MEETING

BOARD FOR BARBERS AND COSMETOLOGY INFORMAL FACT-FINDING CONFERENCES OCTOBER 27, 2003 (9:00 A.M.)

The Board for Barbers and Cosmetology convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Marian Lacy Alderson, Board member, presided. No other Board members were present.

Douglas W. Schroder and Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case
Lic=Licensing Application
RF=Recovery Fund Claim
Trades=Tradesmen Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
W=Witness
Atty = Attorney

Participants

Mr. B's Barber Shop
File Number 2003-00735 (Disc)
No Decision Made

Marc Barksdale – R
Janet Creamer, Investigator

Hollywood Nails
File Number 2003-03147 (Disc)

Melisa White, Owner – R
Bao Nguyen, Translator
Janet Creamer, Investigator

Life Enterprises, Inc.
t/a Kutz for Life
File Number 2003-00296 (Disc)

No one appeared

Myly Thi Nguyen
File Number 2003-02010 (Disc)

Myly Nguyen – R
W. Mark Broadwell – R's Atty.
Be Tran, Vietnamese Translator
Luat Nguyen, Witness
David Dorner, Invest.

Wonder Nails
File Number 2003-01086 (Disc)

Myly Nguyen, Owner - R
W. Mark Broadwell – R's Atty.
Be Tran, Vietnamese Translator
Luat Nguyen, Witness
David Dorner, Invest.

Sexy Nails & Beauty
File Number 2003-00580 (Disc)

Vong Nguyen, Owner – R
April Williams – C (By Phone)
Vinhsinh Bun, Mgr. of Sexy Nails
Phuong Trans – Technician for Sexy Nails

Phuong Nga Thi Tran
File Number 2003-01378 (Disc)

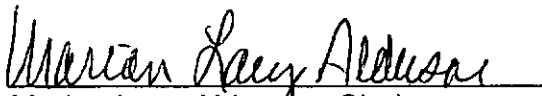
Phuong Tran – R
April Williams – C (By Phone)
Vong Nguyen, Owner of Sexy Nails
Vinhsinh Bun, Mgr. of Sexy Nails

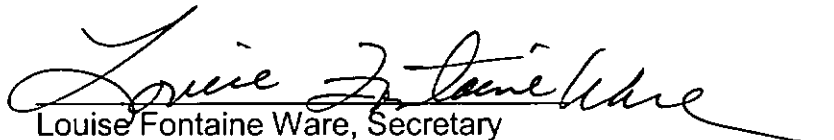
C-3 Schools, LLC
t/a Central Virginia College of Cosmetology
File Number 2003-02939 (Disc)

Michael Wood, Owner - R
Nesbit N. Hatch, Owner - R
Janet Creamer, Invest.

The meeting adjourned at 2:30 p.m.

BOARD FOR BARBERS AND COSMETOLOGY


Marian Lacy Alderson, Chairperson


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: HOLLYWOOD NAILS
LICENSE NUMBER: 1208-001504**

FILE NUMBER: 2003-03147

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Melisa P. White, Owner, Hollywood Nails on September 16, 2003. The following individuals participated at the conference: Melisa P. White, Owner of Hollywood Nails, Respondent; Bao Nguyen, Translator; Douglas W. Schroder, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On or about October 21, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a complaint from Melva Greene (Greene) against Hollywood Nails. The complaint filed by Greene was closed administratively.
2. On November 6, 2002, at approximately 12:00 p.m., an inspection of Hollywood Nails located at 7072 Common Plaza in Chesterfield, Virginia was conducted by Investigator Janet Creamer, the Board's agent (Investigator Creamer) based on authority granted to the Board by § 54.1-705 of the Code of Virginia.
3. At two of the work stations, clippers and nippers were hanging over a glass in the open air, not being stored free from contaminates. (Refer to pictures taken by Investigator Creamer)
4. Nail instruments, including clippers and nippers, are not cleaned after every use. (Refer to Interview with the Owner, Melisa P. White in Investigative Report)

Conclusion and Recommendation

Count 1: 18 VAC 41-20-270(D)(1) (Effective July 2, 2002)

Hollywood Nails' failure to clean and sanitize instruments after every use and to store them free from contamination is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(D)(1). Therefore, I recommend a monetary penalty of \$250.00 be imposed, and a re-inspection of Hollywood Nails, 7072 Common Plaza, Chesterfield, Virginia at a later date.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1208-001504) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: LIFE ENTERPRISES, INC., T/A KUTZ FOR LIFE
LICENSE NUMBER: 1304-002403**

FILE NUMBER: 2003-00296

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Fred McCray, Owner, Life Enterprises, Inc., t/a Kutz for Life on September 16, 2003. The following individuals participated at the conference: Douglas W. Schroder, Staff Member; and Marian Lacy Alderson, Presiding Board Member. No one appeared on behalf of Life Enterprises, Inc., t/a Kutz for Life.

Summation of Facts

1. On or about August 2, 2002, the Department of Professional and Occupational Regulation received a written complaint from Linda Clapp (Clapp), on behalf of the Norfolk Health Department, against Life Enterprises Inc., t/a Kutz For Life (Kutz For Life) located at 1111 Campostella Road, Norfolk. The complaint resulted from an inspection Clapp conducted of Kutz For Life on or about July 30, 2002.
2. During the inspection, Clapp observed Keith P. Hubbard (Hubbard), in the process of cutting a customers hair and then Hubbard received payment for services, specific amount unknown.
3. Hubbard was not able to produce evidence of a barber or cosmetology license when requested by Clapp. Clapp issued Hubbard a summons for failure to have a certification, in violation of Norfolk City Code, Chapter 7- Barber and Beauty Culture Law Section 7-47 (Certification), which states: All barbers, cosmetologists, nail technicians, teachers, students, and apprentices employed in any establishment shall have a certification of registration issued by the appropriate board.
4. On or about August 9, 2002, Hubbard appeared in the General District Court for the City of Norfolk and was found guilty of failing to have a certification and fined \$100.00.

5. On or about December 9, 2002, the Licensing Records for the Board for Barber and Cosmetology revealed that there is no barber or cosmetology license or temporary certificate issued to Hubbard.
6. On or July 30, 2002, during an inspection, Clapp found the roof was in disrepair, there were pools of water on the floor and the carpet in the customer's area was soaked with water due to the roof leaking.
7. On or about July 30, 2002, Clapp contacted the Department of Utilities and was told there was no running water at this address and that service became inactive on June 13, 2002.
8. Clapp also verified there was no running water at the hand basin in the customer area and the one in the restroom had no running water. A notice was taped to the door requiring water to be restored within 48 hours or the building would be placarded condemned.
9. On or about August 1, 2002, water had not been restored to the building so a placard was posted on the door stating that the structure was unsafe/unfit and that the Director of Public Health prohibits use or occupancy.

Conclusion and Recommendation

Count 1: 18 VAC 41-20-280(C)(2) (Effective July 2, 2002)

Actions by Life Enterprises, Inc., t/a Kutz For Life of allowing Hubbard to practice barbering without a license is in violation of the Board's 2002 Regulation 18 VAC 41-20-280(C)(2). Therefore, I recommend a monetary penalty of \$250.00 be imposed, along with revocation of Kutz for Life's license.

Count 2: 18 VAC 41-20-270(C)(1) (Effective July 2, 2002)

Life Enterprises, Inc., t/a Kutz For Life's failure in not keeping the premises in good repair and clean is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(C)(1). Therefore, I recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of Kutz For Life's license.

Count 3: 18 VAC 41-20-270(C)(4) (Effective July 2, 2002)

Life Enterprises, Inc., t/a Kutz For Life's failure in not providing a fully functional hand basin in the customer area and in the restroom with running water is in violation of Board's 2002 Regulation 18 VAC 41-20-270(C)(4). Therefore, I

recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of Kutz For Life's license.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1304-002403) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: MYLY THI NGUYEN
LICENSE NUMBER: 1206-009925**

FILE NUMBER: 2003-02010

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 1003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Myly Thi Nguyen on September 16, 2003. The following individuals participated at the conference: Myly Thi Nguyen, Respondent; Be Tran, Vietnamese Translator; Luat Nguyen, Witness; W. Mark Broadwell, Attorney for Nguyen; David Dorner, Investigator; Douglas W. Schroder, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On or about October 17, 2002, the Virginian-Pilot reported that Marci Clark (Clark) filed a lawsuit in the Circuit Court against Wonder Nails and the owner, Myly Thi Nguyen. The suit alleges that Clark received a mycobacterium infection on her legs as a result of a visit to Wonder Nails on December 29, 2002.
2. On or about October 18, 2002, the Board's agent, David C. Dorner (Investigator Dorner), docketed a file and on November 6, 2002, conducted an unannounced inspection of Wonder Nails located at 1401 Greenbrier Parkway Suite 1160, Chesapeake, Virginia. The inspection was conducted at approximately 12:02 p.m. and Myly Thi Nguyen (Myly Nguyen), of 824 Great Marsh Avenue, Chesapeake, Virginia, 23320, identified herself as the owner and was present during the entire inspection.
3. Investigator Dorner observed that the middle of three whirlpool foot spas was found to have hair and/or other unidentifiable substances clogged in the drain. In addition, the small holes of the "suction fitting cover" were clogged with an unidentifiable substance.
4. Investigator Dorner observed buffers and nail files, which contained heavy markings on the surface from previous use, as well as nippers and clippers on top of three of the workstations where customers were not present. Investigator

Dorner asked Myly Nguyen if the buffers and files were previously used and had they been used on different customers and she replied, yes to both questions.

5. Investigator Dorner observed buffers and nail files, which contained heavy markings on the surface from previous use, as well as nippers and clippers on top of three of the workstations where customers were not present.

6. Investigator Dorner observed a nail salon license displayed in the front area of salon, which was in the name of Wonder Nails, license number 1208-000684, with an expiration date of September 30, 2004.

7. On or about October 17, 2002, the Board's records indicate that the owner of Wonder Nails is Thao Dinh Le. A copy of the Board's licensing application, dated September 4, 1996, revealed that Thao Dinh Le, requested and received a nail salon license (1208000684), in the name of Wonder Nails located at 1401 Greenbrier Parkway, Chesapeake, Virginia on or about September 6, 1996.

8. When Investigator Dorner asked Myly Nguyen who Thao Dinh Le was, Myly Nguyen replied she did not know. When Investigator Dorner asked Myly Nguyen how long she had owned Wonder Nails, Myly Nguyen stated about three years.

9. Mark Broadwell, Attorney for Myly Nguyen, provided evidence of change in ownership of Wonder Nails and notice of change to the Board, and he stated that the License is now in order, even though it was not done in the proper time frame.

Conclusion and Recommendation

Count 1 18 VAC 41-20-270(D)(1) (Effective July 2, 2002)

Myly Nguyen's failure to keep whirlpool foot spas (basins) clean and free from contaminates is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(D)(1). Therefore, I recommend a monetary penalty of \$250.00 be imposed.

Count 2: 18 VAC 41-20-270(B)(7) (Effective July 2, 2002)

Myly Nguyen's failure to keep nail instruments clean, disinfected and properly stored free from contaminates is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(B)(7). Therefore, I recommend a monetary penalty of \$50.00 be imposed.

Count 3: 18 VAC 41-20-270(E)(7) (Effective July 2, 2002)

Myly Nguyen's failure to remove soiled implements from the tops of work stations immediately after use is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(E)(7). Therefore, I recommend a monetary penalty of \$50.00 be imposed.

Count 4: 18 VAC 41-20-120(A)&(B) (Effective July 2, 2002)

Myly Nguyen's failure to obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia and to notify the Board within 30 days of a change in ownership are in violation of the Board's 2002 Regulation 18 VAC 41-20-120(A)&(B). Therefore, I recommend a monetary penalty of \$100.00 be imposed.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1206-009925) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR BARBERS AND COSMETOLOGY**

**IN RE: WONDER NAILS
LICENSE NUMBER: 1208-000684**

FILE NUMBER: 2003-01086

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Myly Thi Nguyen, Owner, Wonder Nails on September 16, 2003. The following individuals participated at the conference: Myly Thi Nguyen, Owner of Wonder Nails, Respondent; Be Tran, Vietnamese Translator; Luat Nguyen, Witness; W. Mark Broadwell, Attorney for Wonder Nails; David Dorner, Investigator; Douglas W. Schroder, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On or about October 17, 2002, the Virginian-Pilot reported that Marci Clark (Clark) filed a lawsuit in the Circuit Court against Wonder Nails and the owner, Myly Thi Nguyen. The suit alleges that Clark received a mycobacterium infection on her legs as a result of a visit to Wonder Nails on December 29, 2002.
2. On or about October 18, 2002, the Board's agent, David C. Dorner (Investigator Dorner), docketed a file and on November 6, 2002, conducted an unannounced inspection of Wonder Nails located at 1401 Greenbrier Parkway Suite 1160, Chesapeake, Virginia. The inspection was conducted at approximately 12:02 p.m. and Myly Thi Nguyen (Myly Nguyen), of 824 Great Marsh Avenue, Chesapeake, Virginia, 23320, identified herself as the owner and was present during the entire inspection.
3. Investigator Dorner observed that the middle of three whirlpool foot spas was found to have hair and/or other unidentifiable substances clogged in the drain. In addition, the small holes of the "suction fitting cover" were clogged with an unidentifiable substance.
4. Investigator Dorner observed buffers and nail files, which contained heavy markings on the surface from previous use, as well as nippers and clippers on top of three of the workstations where customers were not present. Investigator

Dorner asked Myly Nguyen if the buffers and files were previously used and had they been used on different customers and she replied, yes to both questions.

5. Investigator Dorner observed buffers and nail files, which contained heavy markings on the surface from previous use, as well as nippers and clippers on top of three of the workstations where customers were not present.

6. At the IFF, Luat Nguyen testified that he had been called to repair the foot spa in question, which was inoperable at the time of the inspection. The foot spa leaked and needed an "O" ring, which had to be ordered. When it became available, Luat Nguyen made the necessary repairs. Luat Nguyen has no record for being paid for the repair bill.

7. At the IFF, W. Mark Broadwell, Attorney for Myly Nguyen, testified that Myly had corrected the storage of buffers and other equipment, as directed by David Dorner, Investigator.

Conclusion and Recommendation

Count 1: 18 VAC 41-20-270(D)(1) (Effective July 2, 2002)

Because of color photographs/evidence provided by Investigator Dorner, it is quite clear that Wonder Nails failed to clean and sanitize foot spas after each use. From the photographs submitted there is no way that a filter could be that contaminated after one use. Therefore, I am finding Wonder Nails in violation of the Board's 2002 Regulation 18 VAC 41-20-270(D)(1), and recommend a monetary penalty of \$1,000.00 be imposed.

Count 2: 18 VAC 41-20-270(B)(7) (Effective July 2, 2002)

Wonder Nails has taken the corrective measures to properly store nail instruments free from contaminants, as directed by Investigator Dorner on the day of the inspection, therefore I find a violation of the Board's 2002 Regulation 18 VAC 41-20-270(B)(7), but recommend no penalty be imposed.

Count 3: 18 VAC 41-20-270(E)(7) (Effective July 2, 2002)

Wonder Nails' failure to remove soiled implements from the tops of work stations immediately after use is in violation of the Board's 2002 Regulation 18 VAC 41-20-270(E)(7). Wonder Nails' has taken the necessary corrective measures regarding this issue. Therefore, I find a violation, but recommend no penalty be imposed.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1208000684) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: SEXY NAILS & BEAUTY
LICENSE NUMBER: 1202-014570**

FILE NUMBER: 2003-00580

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Vong V. Nguyen, Owner of Sexy Nails & Beauty on September 16, 2003. The following individuals participated at the conference: Vong V. Nguyen, Owner of Sexy Nails & Beauty, Respondent; Phuong Tran, Technician; Vinhsinh Bun, Manager; April Williams, Complainant, By Phone; Jennifer Kazzie, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On or about July 27, 2002, April Williams (Williams) was in the process of receiving a pedicure at Sexy Nails & Beauty, located at 7678 E. Richmond Highway, Alexandria, Virginia by Phuong Nga Thi Tran (also known as Nina), a licensed nail technician, cut the heel of Williams' right foot with a razor, causing it to bleed.
2. Nina attempted to stop the bleeding by applying a green liquid substance. Williams requested to speak to a manager, but was told the manager was not present. Nina then placed a band-aid on the cut. No antiseptic was used. Williams instructed Nina to discontinue the pedicure. She did not pay for the pedicure. Williams had expected to pay for the pedicure when she arrived at Sexy Nails & Beauty.
3. Janice Williams, sister of April Williams, was sitting next to Williams when the Nina began the pedicure. She saw the razor Nina was using pop out of its holder 2 or 3 times. She saw Williams jump and blood dripping into the tub of water. Nina applied a blue liquid, but the bleeding did not cease. Nina applied cotton and a band-aid to the cut area. No manager was available. She drove Williams to the doctor.
4. Melissa Henderson, niece of April Williams arrived at Sexy Nails & Beauty after April's foot was bleeding. She saw a man apply a greenish-blue liquid to

Williams' heel. She told them to apply pressure, which they attempted to do, but the bleeding did not stop.

5. On or about July 27, 2002, Williams sought medical treatment at an ambulatory clinic at Fort Washington Hospital in Fort Washington, Maryland where she was treated by Doctor Daly. Doctor Daly cleaned, applied an antibiotic ointment, and bandaged her heel.

6. On October 9, 2002, Investigator Carolyn D. Wright, the Board's agent, performed an inspection of Sexy Nails & Beauty.

7. At the IFF, Vong Nguyen, owner, stated that he had been in business for 8 years, and this was the first time that this type of injury has occurred.

Conclusion and Recommendation

Count 1: 18 VAC 41-20-280(A)(1) (Effective July 2, 2002)

Sexy Nail & Beauty is responsible for the actions of their employee, Phuong Nga Thi Tran (Nina), involved in the injury to Williams, and is negligent due to using faulty instruments in violation of the Board's 2002 Regulation 18 VAC 41-20-280(A)(1). Therefore, I recommend a monetary penalty of \$250.00 be imposed.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1202-013570) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: PHUONG NGA THI TRAN
LICENSE NUMBER: 1206-003065**

FILE NUMBER: 2003-01378

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Phuong Nga Thi Tran on September 16, 2003. The following individuals participated at the conference: Phuong Nga Thi Tran, Respondent; Vong Nguyen, Owner of Sexy Nails; Vinhsinh Bun, Manager; April Williams, Complainant (By Phone); Jennifer Kazzie, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On or about July 27, 2002, April Williams (Williams) was in the process of receiving a pedicure at Sexy Nails & Beauty, located at 7678 E. Richmond Highway, Alexandria, Virginia by Phuong Nga Thi Tran (also known as Nina), a licensed nail technician, cut the heel of Williams' right foot with a razor, causing it to bleed.
2. Nina attempted to stop the bleeding by applying a green liquid substance. Williams requested to speak to a manager, but was told the manager was not present. Nina then placed a band-aid on the cut. No antiseptic was used. Williams instructed Nina to discontinue the pedicure. She did not pay for the pedicure. Williams had expected to pay for the pedicure when she arrived at Sexy Nails & Beauty.
3. Janice Williams, sister of April Williams, was sitting next to Williams when the Nina began the pedicure. She saw the razor Nina was using pop out of its holder 2 or 3 times. She saw Williams jump and blood dripping into the tub of water. Nina applied a blue liquid, but the bleeding did not cease. Nina applied cotton and a band-aid to the cut area. No manager was available. She drove Williams to the doctor.
4. Melissa Henderson, niece of April Williams arrived at Sexy Nails & Beauty after April's foot was bleeding. She saw a man apply a greenish-blue liquid to

Williams' heel. She told them to apply pressure, which they attempted to do, but the bleeding did not stop.

5. On or about July 27, 2002, Williams sought medical treatment at an ambulatory clinic at Fort Washington Hospital in Fort Washington, Maryland where she was treated by Doctor Daly. Doctor Daly cleaned, applied an antibiotic ointment, and bandaged her heel.

6. On October 9, 2002, Investigator Carolyn D. Wright, the Board's agent, performed an inspection of Sexy Nails & Beauty.

Conclusion and Recommendation

Count 1: 18 VAC 41-20-280(A)(1) (Effective July 2, 2002)

The action by Phuong Nga Thi Tran (Nina) in causing injury to Williams is negligence in violation of the Board's 2002 Regulation 18 VAC 41-20-280(A)(1). Therefore, I recommend a monetary penalty of \$100.00 be imposed.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1206-003065) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR BARBERS AND COSMETOLOGY

**IN RE: C-3 SCHOOL, LLC, T/A CENTRAL VIRGINIA
COLLEGE OF COSMETOLOGY
LICENSE NUMBER: 1205-001127**

FILE NUMBER: 2003-02939

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 27, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to C-3 School, LLC, t/a Central Virginia College of Cosmetology on September 29, 2003. The following individuals participated at the conference: Michael Wood, Owner, Respondent; Nesbit N. Hatch, Owner, Respondent; Janet Creamer, Investigator; Jennifer Kazzie, Staff Member; and Marian Lacy Alderson, Presiding Board Member.

Summation of Facts

1. On April 29, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Carole Dianne Grafton (Grafton) regarding her attendance at C-3 School LLC, t/a Central Virginia College of Cosmetology (CVCC) and the school's refusal to submit her hours to the Board upon its closing.
2. On March 17, 2003, CVCC ceased all operations. When CVCC closed, Grafton had completed 255 hours of training. She did not wish to pursue further attendance at Empire Beauty School which was scheduled to sublet the office space occupied by CVCC. A written report to the Board on performances and hours of each of its students who had not completed the program was not submitted to the Board until June 9, 2003, which is beyond the 30 day requirement as specified in the Board's regulations.

Conclusion and Recommendation

Count 1: 18 VAC 41-20-250 (Effective July 2, 2002)

Michael Wood, owner of CVCC, failure/oversight to submit a written report to the Board on performances and hours of each of its students who have not

completed the program, is in violation of the Board's 2002 Regulation 18 VAC 41-20-250. Therefore, I recommend a monetary penalty of \$150.00 be imposed.

By: Marian Lacy Alderson

Marian Lacy Alderson
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: October 27, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE (LICENSE NO. 1205-001127) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.