

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF BARBERS AND COSMETOLOGISTS**

IN RE:)
K&N Nail) **Docket No: APP-CO32-0506**
)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through Robert H. Backus, State Prosecuting Attorney and Applicant K&N Nails through owner Truong M. Vu, and enter into the following Stipulation and Consent Order.

Statement of Facts

1. Truong M. Vu has submitted an application dated April 28, 2006, for a shop license for K&N Nails located at 37 Main Street in Brattleboro, Vermont.
2. On April 21, 2006, pursuant to a complaint, an investigation had been opened against K&N Nails, then under a different owner. This investigation revealed that the shop was not licensed.
3. On April 24, 2006, Van Nguyen was observed providing manicure services to a client. She was not licensed to do so.
4. On May 3, 2006 (when K&N Nails was under the current ownership) investigation established that Tam Vu was providing a manicure. Mr. Tam Vu was properly licensed, but the shop was not.
5. By a letter dated May 12, 2006 the Board preliminarily denied the Shop License.
6. The Applicant has appealed that denial and the matter is set before the Board for a hearing on June 12, 2006

Understandings

7. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

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Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
05609-1107

8. The Applicant has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

9. This Stipulation and Consent Order is entered into voluntarily by the Applicant after the opportunity to consult with legal counsel. The Applicant has not been coerced by anyone into signing this Stipulation and Consent Order.

10. The Applicant is voluntarily waiving any right to a contested hearing before the Board.

11. The Applicant waives any right to appeal from the consent order entered pursuant to this Stipulation and Consent Order.

12. Applicant agrees that the Board may enter the Order set out below.

CONSENT ORDER

13. Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

14. Once Applicant is otherwise eligible for a license a license shall be issued subject to the following conditions:

- a) Applicant shall be subject to monthly unannounced inspections within one year of obtaining a license.
- b) Applicant shall reimburse the Board of Barbers and Cosmetologists One Hundred Dollars (\$100.00) for each inspection.
- c) If any discrepancies are noted in the inspection a reinspection shall occur within 20 days.
- d) Applicant shall reimburse the Board of Barbers and Cosmetologists \$100.00 for each reinspection.
- e) The State Prosecuting Attorneys may, at their discretion, bring charges of unprofessional conduct for any discrepancies revealed by an inspection or reinspection.
- f) After one year Applicant shall be subject to quarterly inspections for one year subject to all the conditions set out above for monthly inspections.

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15. Docket # ULP-CO26-0406 is dismissed. Should Respondent be in violation of this order that case may be reopened.

16. This Stipulation and Consent Order is a matter of public record.

17. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be considered in any future disciplinary matter.

18. A violation of this order may be unprofessional conduct and grounds for disciplinary action.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: June 12, 2006

By: [Signature]
Robert H. Backus
State Prosecuting Attorney

Dated: 06/12/06

By: [Signature]
Truong M. Vu
Owner

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 6-12-06

By: [Signature]
Chair

Entered: 6/12/06

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