

Plattsburgh NY

OFFICE OF PROFESSIONAL REGULATION  
VERMONT STATE BOARD OF BARBERS AND COSMETOLOGISTS

IN RE: DUNG M. LE ) Docket No. CO 17-0202  
d/b/a SUPER STAR NAILS )  
 ) DEFAULT ORDER  
License No. 012-0002022

Introduction

The Board of Barbers and Cosmetologists held a hearing on the above matter on October 21, 2002 at 26 Terrace St. in Montpelier, Vermont. Board members participating were: Acting Chair Janice Crossan, Dolores Martineau, and Josephine Thomas.

Assistant Attorney General George Haegle, IV appeared for the State. The Respondent did not attend and was not represented. Larry S. Novins served as Presiding Officer.

Findings of Fact

1. The Respondent was sent Notice of the Charges against him by certified mail on August 13, 2002 to "Super Star Nails, 1880 Mountain Road, Store #5 Stowe, Vermont 05672."
2. On August 20, that letter was returned to the Office of Professional Regulation bearing a postal stamp marked, "unclaimed, moved, left no address, attempted - not known."
3. On August 20, 2002 Investigator Jackie Cholewa informed the docket clerk of a change of address. A second Notice of Charges was sent to respondent on August 20, 2002 addressed to, "37 Latour Ave., Apartment 3, Plattsburgh, NY 12901-7202."
4. The second letter was returned to the Office of Professional Regulation bearing a postal stamp reading, "Attempted, Not Known."
5. On September 26, 2002 respondent was sent a "Notice of Hearing for Default Judgment" scheduled for October 21, 2002. The letter was addressed to respondent "c/o Holley Warner, 9 Gleneagle Dr. Plattsburgh, NY."
6. That Notice of Hearing was received and signed for by Holley Warner. The return receipt is dated October 1, 2002.

**STATE OF VERMONT  
BOARD OF BARBERS AND COSMETOLOGISTS**

IN RE: )  
DUNG M. LE )  
D/b/a ) Docket No: CO 17-0202  
SUPER STAR NAILS )  
Lic. No. 012-0002022 )

**SPECIFICATION OF CHARGES**

NOW COMES the State of Vermont and makes the following Charges against the Respondent Dung M. Le d/b/a Super Star Nails:

**Board Authority**

1. The Vermont Board of Barbers and Cosmetologists has jurisdiction to investigate and adjudicate allegations of unprofessional conduct by cosmetologists pursuant to 3 V.S.A. §129; 26 V.S.A. §276; and the Board of Barbers and Cosmetologists Rules (hereinafter "Rules").
2. Practicing or offering to practice beyond the scope permitted by law is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §288(1).
3. Failing to adequately supervise employees engaged in any of the practices of cosmetology is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §288(2).
4. Delegating professional responsibilities to a person the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. § 129a(a)(6).
5. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. § 129a(a)(3).

**Facts**

7. Respondent, Dung M. Le, is not licensed as a manicurist, and has never been licensed as a manicurist, by the State of Vermont.

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

8. Respondent's shop, Super Star Nails, is licensed as a shop and holds license number 012-0002022. Super Star Nails was originally licensed on January 21, 2002 and Respondent shop license is set to expire on November 30, 2003.
9. Respondent, Le, was at all times relevant the owner of the shop, Super Star Nails located on the Mountain Road in Stowe, Vermont.
10. Respondent Le, as an owner and operator of the salon/shop, was at all times relevant responsible for the salon/shop.
11. On or about both April 2 and April 25, 2002, individuals working with the Office of Professional Regulation's investigators received manicuring services from the Respondent Dung Le at the Respondent's shop, Super Star Nails.
12. Upon information and belief the shop has been closed and the owner is relocating to New York.

### **Charges**

- A. Practicing or offering to practice beyond the scope permitted by law is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §288(1).
- B. Failing to adequately supervise employees engaged in any of the practices of cosmetology is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §288(2).
- C. Delegating professional responsibilities to a person the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. § 129a(a)(6).
- D. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. § 129a(a)(3). Specifically, operating an unsanitary shop in violation of Rules 6.1 through 6.3 and failing to have a designated licensee on the premises whom is responsible for overall cleanliness and sanitation of the shop.

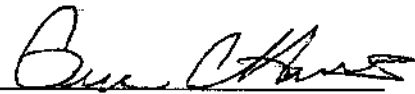
**Relief Requested**

WHEREFORE, the license of Dung M. Le d/b/a Super Star Nails should be  
revoked, suspended, or otherwise disciplined.

Dated this 30<sup>th</sup> day of July, 2002, at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:   
George C. Haegele IV  
Assistant Attorney General