

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Van Minh **Nguyen, H.C.**

Petition No. 960417-020-013

**CONSENT ORDER**

WHEREAS, Van Minh Nguyen, H.C. of Wallingford, Connecticut (hereinafter "respondent") has been issued license number 046887 to practice as a hairdresser by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. In March of 1995, respondent engaged in the practice of hairdressing without the benefit of a valid Connecticut license.
2. During June and July of 1995, respondent aided and abetted the unlicensed practice of hairdressing.
3. Between June of 1995 and October of 1996, respondent operated a hairdressing shop without the benefit of holding a valid Connecticut hairdressing license for at least a two (2) year period.
4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-252, §20-257, §20-258, and §20-263.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing and agrees that for purposes of this or any future proceedings before the Connecticut Board for Barbers, Hairdressers, and Cosmeticians (hereinafter "the Board"), this

Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 20-263 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-263 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent's license shall be suspended for a period of two (2) months with said suspension immediately stayed.
4. Concurrently, respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
  - a. During the period of probation, respondent shall only practice hairdressing in a setting that includes other hairdressers, and she shall not operate a hairdressing shop.
  - b. Respondent shall provide the Department with the name of the shop at which she is engaging in the practice of hairdressing, as well as the name of the operator (hereinafter "the operator") of said shop.
  - c. Respondent shall provide the operator with a copy of this Consent Order and cause the operator to provide the Department with written confirmation stating that he or she is in possession of a copy of the Consent Order, that he or she is the operator of the shop, and that he or she agrees to provide the reports described in paragraph 4d below.

- d. The operator shall provide reports on a quarterly basis for the duration of the probationary period, stating that respondent is practicing with reasonable skill and safety and is not operating the shop. If the operator's reports indicate that respondent is not practicing with reasonable skill and safety or is operating the shop, such report shall be deemed a violation of this Consent Order.
- e. Respondent shall obtain written approval from the Department prior to any change in employment.

5. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
P.O. Box 340308  
Hartford, CT 06134-0308

- 6. All reports required by the terms of this Consent Order shall be due on the tenth business day of every third month.
- 7. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
- 8. Respondent shall pay all costs necessary to comply with this Consent Order.
- 9. Respondent understands that this Consent Order is a matter of public record.
- 10. Any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:
  - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

- b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
- c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 10a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
- e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

11. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a hairdresser, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
14. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
15. Respondent agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) her compliance with this Consent Order is at issue, or (2) her compliance with §20-263 of the General Statutes of Connecticut, as amended, is at issue.
16. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
17. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
18. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

19. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board.  
Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
20. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.
21. Respondent has the right to consult with an attorney prior to signing this document.

I, Van Minh Nguyen, H.C., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

*Van Minh Nguyen*  
Van Minh Nguyen, H.C.

Subscribed and sworn to before me this 6<sup>th</sup> day of May 1997.

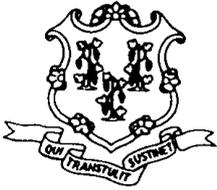
*Cecile P. Clavet*  
CECILE P. CLAVET  
NOTARY PUBLIC  
MY COMMISSION EXPIRES MAY 31, 1999  
Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 14<sup>th</sup> day of May 1997, it is hereby accepted.

*Stanley K. Peck*  
Stanley K. Peck, Director  
Legal Office

The above Consent Order having been presented to the duly appointed agent of the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians on the June day of 2 1997, it is hereby ordered and accepted.

*[Signature]*  
Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 12, 1999

Van Minh Nguyen  
569-8 Center Street  
Wallingford, CT 06492

Re: Consent Order  
Petition No. 960417-020-013  
License No. 046887



### Completion of Probation

Dear Ms. Nguyen:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective July 1, 1999.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions on License No. 046887 related to the above-referenced Consent Order.

Sincerely,

Richard Goldman  
Paralegal Specialist II  
Division of Health Systems Regulation

cc: Debra Tomassone, PHSM  
Bonnie Pinkerton, RNC



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
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