

1 BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY

2 NEVADA STATE BOARD OF
3 COSMETOLOGY,

Case No. C2020-003

4 Petitioner,

**COMPLAINT AND
NOTICE OF HEARING**

5 vs.

6 NGOC QUAN LY (License No. N-46282,
Board No. U-48231),

7 Respondent.

8 Gary Landry, Executive Director for the Nevada State Board of Cosmetology
9 ("Board"), submits this complaint for disciplinary action against NGOC QUAN LY, Nail
10 Technologist License No. N-46282 and Board No. U-48231 ("RESPONDENT" or
11 "LICENSEE"). The hearing will be held pursuant to Chapter 233B, Chapter 622, Chapter
12 622A, and Chapter 644A of the Nevada Revised Statutes ("NRS") and Chapter 644A of the
13 Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the
14 allegations stated below and to determine if the RESPONDENT should be subject to an
15 administrative penalty as set forth in NRS 644A.850 and/or NRS 644A.950 and/or NRS
16 644A.955 and/or NRS 622.400, and the discipline to be imposed, if violations of law are
17 proven.

18 **I. JURISDICTION**

19 1. RESPONDENT was at all relevant times mentioned in this Complaint
20 licensed by the Board as a nail technologist.

21 2. As a nail technologist, RESPONDENT did engage in the business of
22 cosmetology, and is therefore subject to the jurisdiction of the Board and the provisions of
23 NRS Chapter 644A and NAC Chapter 644A.

24 3. Pursuant to NRS Chapter 644A, the Board is vested with the sole discretion
25 to discipline cosmetology establishments and licensees of cosmetology.

26 **II. FACTUAL ALLEGATIONS**

27 4. RESPONDENT was at the relevant times mentioned in this Complaint and
28 Notice of Hearing, licensed by the Board as a nail technologist, and issued license no. N-

1 46282. Further, RESPONDENT also filed an application with the Board for an
2 aesthetician's license, and issued Board File No. U-48231. Therefore, RESPONDENT is
3 subject to the jurisdiction of the Board and the provisions of NRS Chapter 644A and NAC
4 Chapter 644A.

5 5. On or about November 28, 2018, Licensee Ly submitted an Individual
6 Application – Out of Country Application with the Board. (“Exhibit A”).

7 6. In her Application, Licensee Ly indicated that she had been licensed as an
8 esthetician in Vietnam and attended Ngoc Anh Beauty School from August 1, 2011
9 through December 24, 2011. (“Exhibit A”).

10 7. A copy of RESPONDENT's Diploma (“Exhibit B”), Certificate of Primary
11 Trade issued July 29, 2011 (“Exhibit C”), Certificate of Primary Trade issued December
12 28, 2011 (“Exhibit D”), and Certificate of Training Program (“Exhibit E”), which were
13 translated by a third-party, were obtained by the Board.

14 8. The Diploma stated that Licensee completed a course in Nail Technology &
15 Aesthetic (1,700 hours) from January 4, 2011 through December 24, 2011. (“Exhibit B”).

16 9. The Certificate of Primary Trade, issued on July 29, 2011, stated that
17 Licensee Ly attended a Nail Technician Course from January 2011 through July 2011.
18 (“Exhibit C”).

19 10. The Certificate of Primary Trade, issued December 28, 2011, stated that
20 Licensee Ly attended an Aesthetic Course from August 2011 through December 2011.
21 (“Exhibit D”).

22 11. A Certificate of Training Program for a Nail Technician and Aesthetic Course
23 (1,700 hours) course was included with Licensee Ly's application, which indicated that
24 Licensee Ly purportedly attended the following courses from January 4, 2011 through
25 December 24, 2011:

Subject	Hours
Labor safety	20

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Communication with customers	20
Nail products	20
Equipment, tools used in nail industry	20
Nail services (basic manicure, removes cuticle)	60
Basic manicure	50
Basic acrylic nails	50
Basic gel	50
Basic techniques in using brushes (needle, line & ball brushes)	60
Embossed technique	50
Advanced decoration (hair, plate brush)	70
Advanced acrylic nails	60
Advanced gel	50
Air brush technique	50
Advanced line brush technique	50
Advanced plate brush technique	50
3D technique	60
Total Nail Training Program	800
Conduct, manner of the aesthetician	20
Client consultation	30
Safety, disinfection & sanitation for implements	30
Knowledge in skin	50
Skin examination	50
Basic knowledge in health service and products for skin	60
Common cosmetic machine for skin services	50
Care for facial skin	50
Exfoliation technique	50
Mixing & applying mask technique	50

1	Complete care for every facial skin type	50
2	Removing upper lip and eyebrow hair	100
3	Modern technique for removing hair	100
4	Removing hair (face, armpit, arm and belly)	100
5	Removing hair (back, legs and bikini)	100
6	End of the course review	10
7	Total Skin Care Training Program	900

8 ("Exhibit E").

9 12. The information contained in Licensee's application to the Board contained
10 false and/or fraudulent information regarding the amount of training hours actually
11 completed by Licensee.

12 13. Licensee did not undergo the education indicated in her application.

13 14. Licensee purchased licenses, training hours, and/or diplomas, which she used
14 to apply for a license with the Board.

15 **III. VIOLATIONS**

16 First Claim for Relief

17 15. Paragraphs 1-14 are incorporated here by reference. RESPONDENT is
18 subject to discipline before the Board pursuant to NRS 644A.850(1)(c) for obtaining
19 practice in cosmetology for money or any thing of value, by fraudulent misrepresentation,
20 when RESPONDENT misrepresented that she had attended classes in beauty school.

21 Second Claim for Relief

22 16. Paragraphs 1-15 are incorporated here by reference. RESPONDENT is
23 subject to discipline before the Board pursuant to NAC 644A.870(1)(c) for misrepresenting
24 her qualifications to the public when RESPONDENT misrepresented that she had
25 attended classes in beauty school.

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Third Claim for Relief

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2 17. Paragraphs 1-16 are incorporated here by reference. RESPONDENT is
3 subject to discipline before the Board pursuant to NAC 644A.870(1)(h) for providing false
4 information to the Board, when RESPONDENT misrepresented that she had attended
5 classes in beauty school.

6 **IV. DISCIPLINE AUTHORIZED**

7 18. NRS 644A.850 provides the grounds for suspensions, revocations, and other
8 disciplinary action against licensees, and provides as follows:

9 1. The following are grounds for disciplinary action by the Board:

10 (a) Failure of an owner of an establishment for hair braiding, a
11 cosmetological establishment, a licensed or registered, as applicable,
12 esthetician, cosmetologist, hair designer, shampoo technologist, hair
13 braider, electrologist, instructor, nail technologist, demonstrator of
14 cosmetics, makeup artist or school of cosmetology to comply with the
15 requirements of this chapter or the applicable regulations adopted by
16 the Board.

17 (b) Failure of a cosmetologist's apprentice, electrologist's apprentice,
18 esthetician's apprentice, hair designer's apprentice or nail technologist's
19 apprentice to comply with the requirements of this chapter or the
20 applicable regulations adopted by the Board.

21 (c) Obtaining practice in cosmetology or any branch thereof, for money
22 or any thing of value, by fraudulent misrepresentation.

23 (d) Gross malpractice.

24 (e) Continued practice by a person knowingly having an infectious or
25 contagious disease.

26 (f) Drunkenness or the use or possession, or both, of a controlled
27 substance or dangerous drug without a prescription, while engaged in
28 the practice of cosmetology.

 (g) Advertising in violation of any of the provisions of NRS 644A.800 or
644A.935.

 (h) Permitting a license or certificate of registration to be used where
the holder thereof is not personally, actively and continuously engaged
in business.

 (i) Failure to display the license or certificate of registration or a
duplicate of the license or certificate of registration as provided in NRS
644A.530, 644A.535, 644A.615, 644A.665 and 644A.710.

 (j) Entering, by a school of cosmetology, into an unconscionable contract
with a student of cosmetology.

 (k) Continued practice of cosmetology or operation of a cosmetological
establishment or school of cosmetology after the license therefor has

expired.

1 (l) Engaging in prostitution or solicitation for prostitution in violation
2 of NRS 201.354 by the owner of a cosmetological establishment, an
3 establishment for hair braiding or a facility in which threading is
4 conducted, a licensee or a holder of a certificate of registration.

(m) Failure to comply with the provisions of NRS 454.217 or 629.086.

5 (n) Any other unfair or unjust practice, method or dealing which, in the
6 judgment of the Board, may justify such action.

7 2. If the Board determines that a violation of this section has occurred,
8 it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

9 (c) Place the licensee or holder of a certificate of registration on
10 probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

11 Take any combination of the actions authorized by paragraphs (a) to

(d) inclusive.

12 (e) Take any combination of the actions authorized by paragraphs (a)
13 to (d), inclusive.

14 19. NAC 644A.870 provides grounds for suspension, revocation, and other
15 disciplinary action against licensees, and provides as follows:

16 1. A licensee is subject to disciplinary action if the licensee:

17 Engages in unfair or unjust practices, methods or dealings, including,
18 without limitation:

(a) Copying or altering a license for the purposes of fraud, deception,
19 misrepresentation or other illegal purpose in violation of NRS 644.476.

(b) Using a license that has been copied or altered for the purposes of
20 fraud, deception, misrepresentation or other illegal purpose.

(c) Misrepresenting his or her qualifications to the public.

(d) Performing or offering to perform the functions of a licensee under a
21 false or assumed name or social security number.

(e) Selling or offering to sell his or her license.

(f) Failing to cooperate with an investigation conducted by the Board.

(g) Failing to respond to communications from the Board.

22 (h) Providing false information to the Board.

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25 20. NRS 644A.950 states the penalties which the Board is authorized to impose,
26 and provides as follows:

27 1. Every person violating any of the provisions of this chapter shall be
28 guilty of a misdemeanor.

1 2. Every person required by the provisions of this chapter to perform
2 any act or duty who shall fail, refuse or neglect to perform the duty in
3 the manner directed by the provisions of this chapter shall be guilty of
4 a misdemeanor.

5 3. Every person required by the provisions of this chapter to perform
6 any duty at a specified time in a specified manner who shall fail, refuse
7 or neglect to perform the duty at the time and in the manner provided
8 by the terms of this chapter shall be guilty of a misdemeanor.

9 21. NRS 644A.955 provides additional penalties which the Board is authorized
10 to impose, and provides as follows:

11 1. In addition to any other penalty:

12 (a) The Board may issue a citation to a person who violates the provisions
13 of NRS 644A.900. A citation issued pursuant to this paragraph must be
14 in writing and describe with particularity the nature of the violation. The
15 citation also must inform the person of the provisions of subsection 2. A
16 separate citation must be issued for each violation. If appropriate, the
17 citation may contain an order to cease and desist.

18 (b) Upon finding that a person violated the provisions of NRS 644A.900,
19 the Board shall assess an administrative fine of:

20 (1) For the first violation, \$1,000.

21 (2) For the second violation, \$1,500.

22 (3) For the third or subsequent violation, \$2,000.

23 **V. RELIEF SOUGHT**

24 22. Based upon the allegations contained herein, the Executive Director prays
25 for relief as follows:

26 a. That pursuant to NRS 644A.850(2) the Board impose an
27 administrative fine up to \$2,000.00 for each violation of NRS 644A for a total
28 administrative fine of \$6,000.00.

29 b. That the Board take action against the license of RESPONDENT
30 pursuant to NRS 644A by revoking RESPONDENT's license to practice cosmetology.

31 c. That pursuant to NRS Chapter 622, the Board imposes the costs of the
32 proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the
33 Board otherwise imposes discipline on RESPONDENT.

34 d. Further, the Executive Director requests that the Board take such
35 disciplinary action as it deems proper and just under the circumstances.

1 **VI. NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider the
3 Administrative Complaint against the above-named RESPONDENT in accordance with
4 Chapters 233B and 644A of the Nevada Revised Statutes and Chapter 644A of the Nevada
5 Administrative Code.

6 **THE HEARING WILL TAKE PLACE** on March 8, 2021 before a Hearing
7 Officer and will commence at 9:00 a.m., or as soon thereafter as the Hearing
8 Officer is able to hear the matter.

9 If the Governor's Emergency Directive 006 – suspending physical location
10 requirements – is extended through the date of the hearing, then the hearing
11 will be held via virtual meeting. The Board uses Zoom for its meetings. To join
12 the hearing, go to the Zoom.com website and put in the Meeting ID: 977 4956
13 3708.

14 If the Governor's Emergency Directive is not extended and the meeting is
15 held in person, then the hearings will be located at the following locations:

17 Nevada Board of Cosmetology	Nevada Board of Cosmetology
18 8945 W. Russell Road, Suite #100	740 Del Monte Lane, Suite #12
19 Las Vegas, NV 89148	Reno, NV 89511

20 If you would like an e-mail containing this information prior to the
21 hearing, please contact Lisa Nguyen, Compliance Specialist, at 702-850-2907 or
22 lisa@nvcosmo.com.

23 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled
24 at the same time as part of a regular meeting of the Board that is expected to
25 last five (5) to seven (7) hours or earlier if the business of the Board is concluded.
26 Thus, your hearing may be continued until later in the day. It is your
27 responsibility to be present when your case is called. If you are not present when
28 your hearing is called, a default may be entered against you and the Board may

1 decide the case as if all allegations in the complaint were true. If you have any
2 questions, please call Lisa Nguyen, Compliance Specialist, 702-850-2907.

3 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the
4 hearing is an open meeting under Nevada's Open Meeting Law, and may be
5 attended by the public. After the evidence and arguments, the Board may
6 conduct a closed meeting to discuss your alleged misconduct or professional
7 competence. A verbatim record will be made by a certified court reporter. You
8 are entitled to a copy of the transcript of the open and closed portions of the
9 meeting, although you must pay for the transcription.

10 As the **RESPONDENT**, you are specifically informed that you have the
11 right to appear and be heard in your defense, either personally or through your
12 counsel of choice. At the hearing, the Board has the burden of proving the
13 allegations in the complaint and will call witnesses and present evidence against
14 you. You have the right to respond and to present relevant evidence and
15 argument on all issues involved. You have the right to call and examine
16 witnesses, introduce exhibits, and cross-examine opposing witnesses on any
17 matter relevant to the issues involved.

18 You have the right to request that the Board issue subpoenas to compel
19 witnesses to testify and/or evidence to be offered on your behalf. In making the
20 request, you may be required to demonstrate the relevance of the witnesses'
21 testimony and/or evidence.

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1 Other important rights you have are listed in NRS 644A.010 through
2 644A.975, NRS Chapter 233B, and NAC 644A.010 through 644.990. The purpose of
3 the hearing is to determine if the RESPONDENT has violated NRS 644A and/or
4 NAC 644A and if the allegations contained herein are substantially proven by
5 the evidence presented and to further determine what administrative penalty,
6 if any, is to be assessed against the RESPONDENT.

7 DATED this ^{1st} day of February, 2021.

8 AARON D. FORD
9 Attorney General

10 By: 
11 JUSTIN R. TARUC (Bar No. 12500)
12 Deputy Attorney General
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Cosmetology, and that on 2/2/21, I deposited for mailing in the United States Mail, first-class postage prepaid and Certified Mail, a true and correct copy of the foregoing COMPLAINT AND NOTICE OF HEARING, addressed to the following:

NGOC QUAN LY
9475 SAND VILLA CT, Apt C.
LAS VEGAS NV 89147

(Via Regular & Certified Mail)
Certified Mail No.:

7020 1810 0000 7913 7736



An Employee of the
Nevada State Board of Cosmetology