

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS**

**In Re:**  
**NT Nails and Spa,**  
**Shop License #3759**

Docket No.: 22-BAR-0014

**Thanh Nguyen T. Dao,**

**FINAL DECISION AND**  
**ORDER- 11/28/22**

**I. ATTENDEES:**

Jeanne Chappell, Board Chair  
Kimberly A. Hannon, Board Member  
Sarah Partridge, Board Member  
Joshua Craggy, Board Member  
Tracey Pappas, Board Administrator  
Talia Wilson, Board Administrator  
Shana Warriner, Board Administrator  
Sheri Phillips, Esq., Board Counsel  
Shane D. Goulet, Esq., OPLC Hearings Officer  
Thanh Nguyen T. Dao, Shop Owner  
Tsu Nguyen T. Dao, Shop Manager, and owner's daughter  
Marissa Schuetz, Esq., OPLC Prosecutor  
Sandra Hodgdon, Inspector for OPLC

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On 03/02/22, the New Hampshire Office of Professional Licensure and Certification ("OPLC"), acting on behalf of the New Hampshire Board of Barbering, Cosmetology, and Esthetics ("Board"), conducted a follow-up inspection of NT Nails & Spa, LLC ("Licensee") and assessed 2,343 violation points for multiple hygiene and safety related violations, as well as licensing issues found on the

premises. After further investigation by OPLC, the Board voted to commence this adjudicative proceeding on 07/18/22.

After providing the Licensee with notice, the adjudicatory hearing was held 11/28/22. This Final Order follows.

**III. SUMMARY OF THE EVIDENCE:**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 213.03:

a. (4) Exhibits were submitted by Hearing Counsel, numbered as follows:

Prosecution's Exhibits

1. Memorandum of Inspection
2. 3/02/22 Inspection Report
3. 2017 Change of Ownership
4. 09/23/20 Inspection Report

b. Testimony was received from:

1. Sandra Hodgdon, Inspector
2. Thanh Nguyen T. Dao, Unlicensed Shop Owner
3. Tsu Nguyen T. Dao, Shop Manager and owners daughter

**IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

The shop owner appeared for the hearing through its authorized representative/shop owner, Thanh Nguyen T. Dao. Pursuant to Rule 211.02(a), Hearing Counsel has the burden of proving its case by a preponderance of the evidence. The Presiding Officer admitted Hearing Counsel's (4) Exhibit's by agreement of the parties. Thanh Nguyen T. Dao appeared with her daughter, Tsu Nguyen T. Dao. Tsu Nguyen T. Dao acted as her mother's interpreter for the hearing. Tsu Nguyen T. Dao was sworn under oath to accurately represent and interpret the testimony on behalf of her mother; the shop's owner. Hearing Counsel called one witness. The shop owner and manager testified in response. The credible evidence presented at the hearing allows the Board to find the following facts.

**Sandra Hodgdon, OPLC Inspector**

Sandra Hodgdon was sworn and testified that she is an inspector for OPLC Enforcement and to her training and experience in working for the State of New Hampshire and in operating a salon. She explained that in her role as an inspector, she became acquainted with NT Nails and the shops owner through conducting an inspection on March 2, 2022. Inspector Hodgdon testified in support of the Hearing Counsel's Exhibits which evidenced Thanh Nguyen T. Dao was operating a shop that was unlicensed with multiple health code violations pertaining to unsanitary equipment, implements, and workstations; improperly disinfected implements and/or appliances; and disposable implements and equipment which were improperly disposed of and stored for re-use. Inspector Hodgdon identified that the shop had been washing "single use" toe separators and flip flops for re-use on customers. She further identified that the shop also housed rasp (bladed) files which are prohibited from shop use in N.H. She testified that the total assessed points for all violations was 2,343. *See* Exhibit 1, and 2. Inspector Hodgdon represented that NT Nails shop license expired in June 2021.

**Thanh Nguyen T. Dao (Shop Owner) and Tsu Nguyen T. Dao (Shop Manager)**

Tsu Nguyen T. Dao, and Thanh Nguyen T. Dao were sworn in under oath and testified. Tsu Nguyen T. Dao testified on behalf of her Mother and to her personal knowledge as NT Nails' manager. Tsu Nguyen T. Dao represented that her mother had purchased the shop in 2017 but is not engaged in the day-to-day operation of the shop. She testified that she is a Licensee, the shop's manager, and takes care of everything at the shop. Ms. Dao did not dispute the violations noted within the March 2, 2022, inspection report and represented that it was "her fault". She further testified that her license and the shop's license had expired resulting from her and her mother's relocation and a change of mailing address. Upon cross-examination, Ms. Tsu Nguyen T. Dao stated that her license and the shop's license had been renewed

but she did not recall the date. Hearings Counsel requested the Board take administrative notice of its file in order to ascertain the correct dates. Hearing Counsel's request was permitted. The Board's administrative file represents that NT Nail's shop license was renewed on June 10, 2022 and Ms. Tsu Nguyen T. Dao's license was renewed on June 7, 2022.

V. **DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence, accounting for the presentation and demeanor of all the witnesses, and drawing all reasonable inferences therefrom the Board finds, by a preponderance of the evidence, that Thanh Nguyen T. Dao committed professional misconduct. The Exhibits and witness testimony adequately support the conclusions that 1) the 03/02/22 shop violations noted by Ms. Hodgdon at NT Nails occurred; 2) the shop's license expired on 06/30/2021 and was not renewed until June 10, 2022; 3) the shop manager's license expired on 04/30/21 and was not renewed until 06/07/2022; and 4) the Licensee requires further education and training regarding sanitization, disinfection, and sterilization. As part of this decision, the Board makes the following specific findings of fact and conclusions of law:

A. On or about 03/02/22, Thanh Nguyen T. Dao was the owner of NT Nails in Londonderry, New Hampshire. *See* Exhibits 1, 2, 3 and testimony of Sandra Hodgdon.

B. Pursuant to RSA 313-A:22(II)(c), (d), and (i) and Rule 404.09, 302.05, and/or 302.07, Licensee engaged in professional misconduct by, on 03/02/22, operating a shop that was unlicensed with multiple health code violations pertaining to: unsanitary foot spa agitators which lacked records for cleaning and disinfecting, unsanitary implements and/or appliances improperly disinfected and stored, "single use" disposable implements which were stored for re-use, depleted first aid supplies, and no safety data sheets. The total assessed points for those violations is 2,343. *See* Exhibit 1, 2, the Board's administrative file, and testimony of Sandra Hodgdon.

C. Upon finding that professional misconduct occurred the Board considered the Licensee's prior conduct. *See* Exhibit 4.

D. Pursuant to RSA 313-A:22(III)(b), and upon a finding of professional misconduct under section (II), the Board hereby **SUSPENDS** Licensee's shop license #3759 until the following occurs:

- a. Pursuant to RSA 313-A:22(III)(d) and upon a finding of professional misconduct under section (II), the Board directs the Licensee shop owner to participate in (10) hours of program(s) of continuing education in the areas of sanitation, sterilization, and disinfection control within thirty (30) days of the signed date of this order. The continuing education may be completed through electronic means or in person. To document successful completion of the program(s), the Licensee shall provide the Board with written documentary proof issued/authored by the program offering the course(s). **Whether any program(s) meets the requirements of this section shall be determined by the Board. Therefore, the Licensee is strongly encouraged to seek the Board's pre-approval of program(s) before taking them.** The Board has authorized the Board Chair to pre-approve courses on its behalf, so that the Licensee does not have to wait until a meeting to learn whether coursework he wishes to take is acceptable. The Licensee can submit information about proposed programs to the Board's Administrator, who shall present same to the Board Chair for determination.
  - b. The Licensee shall come into compliance with all matters noted in the inspection report dated 03/02/2022; including but not limited to licensing, sanitation, and sterilization issues.
  - c. The Licensee's shop passes an inspection conducted by a Board inspector. The Licensee shall schedule this inspection with the Board inspector to occur *after* the Licensee has fulfilled sections D.(a) and D.(b) above, at a time that is convenient for the Board inspector.
- E. Pursuant to RSA 313-A:22(III)(b) and upon a finding of professional misconduct under section (II), Licensee's license is subject to a period of **PROBATION** for three years commencing from the below signed date of this final order. Any violation of the Board's rules relating to sanitation and hygiene over 100 points within the probationary period shall constitute misconduct pursuant to RSA 313-A:22, and a separate and sufficient basis for further disciplinary action by the Board against the Licensee. The Board is putting Licensee on notice that it may enforce this order specifically using unannounced inspections.
- F. Pursuant to RSA 313-A:22(III)(e) and Rule 404, and upon a finding of professional misconduct under section (II), the Board affirmatively imposes an administrative fine of \$2,343.00, representing the cumulative point values for the violations noted in the 03/02/22 inspection report. Said administrative fine is assessed after hearing pursuant to Rule 404.11
- G. Pursuant to RSA 332-G:11, the Board affirmatively assesses Thanh Nguyen T. Dao, as the owner of shop license #3759, the reasonable cost of investigation and prosecution of this disciplinary proceeding in the amount of \$500.00.
- H. The \$2,343.00 administrative fine shall be paid within 180 days of the below signed date of this final order.

I. The \$500.00 fine shall be paid within 30 days of the below signed dated of this final order.

J. Pursuant to RSA 313-A:22(g), if Licensee fails to comply with any terms or conditions imposed by this Final Decision, said failure shall constitute misconduct pursuant to RSA 313-A:22, and a separate and sufficient basis for further disciplinary action by the Board against the Licensee.

K. In determining what sanctions to impose, the Board considered RSA 313-A:22 and the factors enumerated in Rule 402.01(d).

L. Pursuant to RSA 313-A:22 and Rule 402.01(d), the Licensee is subjected to the above-referenced discipline as the minimum sanction that the Board believes will, based on the facts and circumstances of this particular case, both protect the public and deter Licensee and any other licensees from engaging in such misconduct in the future.

M. Per Order of the Board, if reasonably practical, a copy of this Order shall be served on the Licensee, in-hand, by OPLC staff. A copy of this order shall also be sent to the Licensee by certified mail, return receipt requested, first class mail, and by also by email (if reasonably practical).

**VI. CONCLUSION AND DECISION:**

Pursuant to RSA 313-A:22 and Rule 402, the Board hereby **SUSPENDS** Licensee's license, and subjects it to further discipline as outlined above.

DATED: 12/16/2022

*/s/ Jeanne Chappell*  
Jeanne Chappell, Board Chair  
Authorized Representative of the  
Board of Barbering, Cosmetology, and Esthetics-  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301