STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF: )
Natural Nails )
License No. 011448 )
and )
Minh J. Tran, owner )
License No. 01395 )

RESPONDENT

) CASE NO. 07-016
) COMBINED NOTICE OF
) HEARING, SETTLEMENT
) AGREEMENT, AND
) FINAL ORDER

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and
Natural Nails, through its owner Minh J. Tran (Respondent), enter into this Combined
Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa
Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC)
rule 12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent
have entered into the following combined Notice of Hearing, Settlement Agreement and
Final Order.

2. Respondent was issued license number 011448 to operate a nail salon in
the State of Iowa and nail technologist license number 01395. Board records indicate
that Respondent salon is located at 100 S. Federal Ave., Suite 304, Mason City, IA
50401.

LEGAL AUTHORITY AND JURISDICTION

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters
17A, 157, and 272C.
SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged with violating 645 Iowa Administrative Code 65.2(13) by failing to properly maintain whirlpool foot spa cleaning schedule in violation of 645 Iowa Administrative Code 63.25(5).

COUNT II

5. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to post a copy of the most current sanitation rules in violation of 645 Iowa Administrative Code 63.2.

COUNT III

6. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to possess hazardous waste containers in violation of 645 Iowa Administrative Code 63.17(3).

COUNT IV

7. Respondent is charged with unsanitary practices in violation of Iowa Code section 157.6 and 645 Iowa Administrative Code 63.10(6), 63.12, 63.13, 63.17, 63.18(3) and 65.2(13).

FACTUAL CIRCUMSTANCES
8. During an investigation of Respondent salon on February 4, 2008, it was discovered that the record of whirlpool foot spa cleaning and disinfecting was not being maintained.

9. During the investigation, it was discovered that Respondent did not have a copy of the most recent sanitation rules posted in the salon.

10. During the investigation, it was discovered that the salon did not possess hazardous waste containers or bags.

11. During the investigation, used nail buffers and nail files that can not be sanitized were found throughout Respondent salon, metal instruments were not disinfected between clients, electric file bits were not cleaned and disinfected between clients and disinfectant solution was visibly cloudy and dirty.

SETTLEMENT AGREEMENT

12. Respondent agrees to pay to the Board a civil monetary penalty of $650.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Agreement is executed.

13. Respondent agrees to comply with all laws and rules regarding nail salons.

FINAL ORDER

14. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

15. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a
contested case hearing on the allegations contained in the Charges and Factual Allegations, and waives any objections to the terms of the Settlement Agreement.

16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

17. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

18. Respondents agree that counsel for the State may present this Agreement to the Board.

19. This combined Notice of Hearing, Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.

20. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

21. This Order shall be part of the Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

22. Any failure by Respondents to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.

23. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This combined notice of hearing, settlement agreement, and final order is approved by the board on May 28, 2008.