STATE OF IOWA BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

)	
IN THE MATTER OF)	
MINITED AND MONITHEN)	
MINH KIM MCWITHEY) CONSENT AGREEN	MENT
License No. 840-01050)	VIL21 \ I
)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Minh Kim McWithey (Licensee) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10(1), 272C.3(4) (2001).

- 1. Pursuant to a consent agreement, on July 13, 2001 the Board issued the Licensee license number 840-01050 to practice as a nail technician in the State of Iowa subject to probationary terms. See Attached Exhibit 1 (Consent Agreement). The probationary term was scheduled to expire on July 13, 2002.
- 2. The terms of the Consent Agreement provided that the Licensee "shall comply with all relevant statutes and administrative rules in the course of her practice as a nail technician." Exhibit 1 at \P 1(a).
- 3. On January 26, 2002, the Board issued a statement of charges against Helen's Nails, Clive, Iowa [Cosmetology Salon License No. 002-008349] a nail technology salon co-owned by the Licensee. The statement of charges alleged that the salon on September 25, 2001, permitted an unlicensed person to perform nail technology services in the salon. The Board entered a "Settlement Agreement and Consent Order" with the Helen's Nails salon on May 7, 2002, resolving the statement of charges.
- 4. The violation discovered at the Helen Nails salon on September 25, 2001 occurred during the probationary term on the Licensee's nail technology license and could be cause for the Board to find that the Licensee was in violation of the July 13, 2001 Consent Agreement.
- 5. This Agreement is voluntarily submitted by the Licensee to the Board for its consideration.
- 6. This Agreement shall be made part of the permanent record of the Board of Cosmetology Arts and Sciences Examiners and may be considered by the Board in determining the nature and severity of any future disciplinary action brought against the Licensee.
- 7. The Licensee agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

In the Matter of Minh Kim McWithey Consent Agreement Page 2 of 2

- 8. This Agreement is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.
- 9. This Agreement is public record available for inspection and copying in accordance with Iowa Code Section 272C.3(4) (2001).

IT IS THEREFORE AGREED AND ORDERED THAT:

- 10. The Licensee's nail technology license shall remain on probation and subject to the probationary terms imposed upon license number 840-01050 pursuant to the July 13, 2001 Consent Agreement, attached hereto as Exhibit 1, until May 7, 2003.
- 11. In consideration of the Licensee's agreement to extend the length of the probationary term applicable to the Licensee's nail technology license, the Board agrees not to initiate formal disciplinary action against the Licensee for any violations of the July 13, 2001 Consent Agreement that may have occurred as a result of the violations discovered at the Helen's Nails salon on September 25, 2001. All other violations of the July 13, 2001 Consent Agreement or this Agreement committed by the Licensee shall remain actionable by the Board.

WHEREFORE, the terms of this Consent Agreement are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences Examiners and the Licensee.

This Consent Agreement is approved by the Board on October 7, 2002.