

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES EXAMINERS

IN THE MATTER OF:)	
)	
Phuong (Mary) Bich Tran)	CASE NO. CO 05-016
Doing business as Nails Today)	
1608 W. Locust St.)	NOTICE OF BOARD'S INTENT
Davenport, IA 52804)	TO ISSUE ORDER AND
)	RESPONDENT'S RIGHT TO HEARING
Respondent.)	

YOU ARE HEREBY NOTIFIED that the Iowa Board of Cosmetology Arts & Sciences Examiners (Board) intends to issue an order pursuant to Iowa Code section 157.13 (2005) and 645 Iowa Administrative Code chapter 65.5 imposing a civil penalty in an amount not to exceed \$1,000.00 per offense per day, with the maximum penalty not to exceed \$10,000.00, and ordering future compliance with Iowa Code chapter 157, based on the following allegations:

1. Respondent, Phuong (Mary) Bich Tran, is an individual residing in Davenport, Iowa. At various points in time, at least as early as January 2005 and the current date, Ms. Tran has operated a nail technology salon known as Nails Today. She has also performed services as a nail technologist.
2. Respondent is not licensed as a cosmetologist or nail technologist in Iowa under Iowa Code chapter 157. She is accordingly not authorized to practice nail technology.
3. From at least January 2005 until the present, Respondent operated a nail technology salon in Iowa without proper licensure.
4. On or about April 8, 2005, the Board received a complaint that Respondent had provided nail technology services in January 2005 on a customer who may have contracted a disease at Respondent's salon.
5. In May 2005 an investigator for the Board, Darby Matteson, investigated

the complaint and investigated the Respondent and her salon. Respondent was performing nail technology services without a salon or practitioner's license. Ms. Matteson also collected substances at the salon that were tested and found to contain Methyl methacrylate, a substance barred from use in nail technology.

6. Respondent violated Iowa Code sections 157.13(1), (2), and (3) by practicing nail technology and operating a nail technology salon without an Iowa license. In addition, she violated the rules of the department by using a barred substance in her nail technology practice and salon.

7. Respondent may request a hearing within thirty (30) days of the date this Notice is mailed through restricted, certified mail. A request for hearing must be made in writing to the Board at Lucas State Office Building, 5th Floor, Des Moines, Iowa 50319-0075, and will be deemed made on the date of the United States postmark or the date of personal service.

8. If a request for hearing is not timely made, the Board will issue an order imposing a civil penalty not to exceed \$1,000.00 per offense per day, with the maximum penalty not to exceed \$10,000.00, and ordering Respondent to, in the future, comply with Iowa Code chapter 157.

9. If a request for hearing is timely made, a separate notice of hearing shall be issued. The Board will conduct a public hearing in the manner applicable to disciplinary cases against a licensed cosmetologist or nail technologist. If the Board finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1,000.00 for each offense. Each day of a continued violation constitutes a separate offense. The Board may also order Respondent to in the future comply with Iowa Code chapter 157.

10. If a civil penalty is imposed and not paid within thirty (30) days of entry of the order, the Board shall notify the Attorney General. The Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and obtain an injunction ordering the closure of the salon and practice by the Respondent.

Issued this 11th day of April, 2006.