STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF: }
Metro Nails }
License No. 103297 }
and }
Tony Thai }
License No. 01283 }
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RESPONDENTS.
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COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Metro Nails, through its owner Tony Thai (Respondents), and hereby enter into this combined Statement of Charges, Settlement Agreement, and Final Order (Agreement & Order) pursuant to Iowa Code sections 17A.10, 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. Respondents were issued license number 103297 to operate a salon in the State of Iowa on April 28, 2010. Respondents’ salon license will expire on December 31, 2014. Respondent Thai was issued nail technologist license number 01283 on April 1, 2011. Respondent Thai’s individual license expired on March 31, 2013.

2. Board records indicate that Respondents’ salon is located at 3701 Metro Drive, Suite 600, Council Bluffs, Iowa, 51501.

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa Code chapters 17A, 157, and 272C.
COUNT I - FAILURE TO POST RULES AND REPORT

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly post a copy of the most recent sanitation rules in the reception area at eye level in violation of 645 IAC § 63.2.

COUNT II - UNSANITARY PRACTICES

5. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2013) and 645 IAC §§ 63.11(6), 63.11(8) and 63.14.

COUNT III - CLEANING AND DISINFECTING SPA TUBS

6. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly disinfectant and record the cleaning of spa tubs in violation of 645 IAC § 63.25(1-3).

COUNT IV - PROHIBITED EQUIPMENT

7. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with having a razor-edged device or tool on its premises in violation of 645 IAC § 63.18(2).
FACTUAL CIRCUMSTANCES

8. On or about July 5, 2013, the below violations were documented.

9. Sanitation rules were not posted in the front entrance area.

10. Disinfectant solution was absent from the work stations.

11. Instruments and implements were not disinfected between clients.

12. One-use instruments that cannot be disinfected were re-used on customers.

13. Whirlpool spas were not cleaned between customers.

14. Heel shavers were observed on the premises.

SETTLEMENT AGREEMENT AND FINAL ORDER

15. Respondents Tony Thai and Metro Nails agree to pay to the Board a civil monetary penalty of $500.00 total. The funds shall be payable to the State of Iowa. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Order is executed.

16. Respondent Tony Thai and all employees of Metro Nails shall complete four (4) hours of continuing education on Iowa law and sanitation; and cleaning and disinfecting pedicure spas within sixty (60) days of the date this Order is executed.

17. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

18. By entering into this Agreement and Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Agreement and Order.
and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

19. This combined Agreement and Order, is voluntarily submitted by Respondents to the Board for consideration.

20. Respondents acknowledge they have a right to be represented by counsel in this matter.

21. Respondents agree that counsel for the State may present this Agreement and Order ex parte to the Board.

22. This Agreement and Order is subject to approval of the Board. If the Board fails to approve this Agreement and Order it shall be of no force or effect to either party.

23. This Agreement and Order shall be part of the Respondents’ 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 any future violation.

24. In the event Respondents violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondents’ licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

25. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

26. The Board’s approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.
Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts & Sciences and the Respondents.

Respondent(s)  

By:  

Date: 11/26/2004

Iowa Board of Cosmetology Arts & Sciences

By: Chairperson

Date: 7-7-14

cc: Tony Thai
    Metro Nails
    3701 Metro Drive, Suite 600
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