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

IN THE MATTER OF: Q Nails
License No. 010330
and
James Nhan Le
License No. 01272

CASE NO. 07-047
SETTLEMENT AGREEMENT
AND FINAL ORDER

RESPONDENT

COMES NOW the Board of Cosmetology Arts and Sciences of the State of Iowa ("Board") and James Nhan Le ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. Respondent is the owner of salon, Q Nails, located at Southern Hills Mall, 4400 Sergeant Rd., Sioux City, Iowa 51106. Respondent was issued Iowa salon license no. 010330 on June 2, 2004. Respondent’s salon license is current and will next expire on December 31, 2008. Respondent was issued nail technology license no. 01272 on May 22, 2003 and the license will next expire on March 31, 2009.


3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.

4. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and
voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order and agrees that the State's counsel may present this agreement to the Board.

6. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

7. This agreement shall be part of the permanent record of Respondent 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 violations.

8. This Settlement Agreement and Final Order is a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapter 22 and 272C. The Notice of Hearing is also a public record which became available for inspection and copying the date it was filed in accordance with the requirements of Chapters 17A, 22, and 272C.

IT IS THEREFORE ORDERED:

9. Respondent admits to the allegations contained within Count I through Count VI of the Statement of Charges.

10. Respondent agrees to refrain from employing unlicensed individuals and will not permit an unlicensed employee to perform any nail technology services that require licensure in the State of Iowa.

11. Respondent agrees to pay the Board a civil monetary penalty of $1000.00 total. The funds shall be payable to the Board of Cosmetology Arts and Sciences. Respondent shall
remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

12. Respondent will complete eight (8) hours of continuing education, including at least four (4) hours in the area of Iowa nail technology law, rules and sanitation (Iowa Code Chapter 157 and 645 Iowa Administrative Code Chapters 59 through 65) within ninety (90) days from issuance of this order. The continuing education obtained pursuant to this Settlement Agreement and Final Order may not be used to satisfy requirements for future license renewal. Respondent must obtain Board approval before enrolling in any course taken for the purpose of satisfying this obligation.

13. Respondent’s individual and salon licenses are placed on probation for a period of two (2) years. During the probationary period, Respondent shall comply with the following terms:

a) Respondent shall file a typewritten corrective action report, detailing specific actions taken to remedy each and every violation contained in the Statement of Charges within thirty (30) days from the issuance of this order.

b) Respondent shall file typewritten quarterly reports with the Board listing each salon employee, whether the employee is licensed by the State of Iowa to provide nail technology services, and the number and type of nail technology services performed by each employee. Respondent shall submit with each quarterly report a copy of the whirlpool cleaning schedule documenting each cleaning as required by 645 Iowa Administrative Code 63.25 (2)-(5) for each whirlpool foot spa during the quarter. The failure of the Respondent to provide complete and truthful information in the quarterly report shall constitute a violation of this agreement.
14. The Board or its designee may verify Respondent's compliance with the provisions of this Order through an examination of Board records, by interviewing persons listed as salon employees, or by conducting unannounced inspections and investigations of the Respondent salon.

15. Respondent agrees to comply with all laws and rules regarding nail salons and nail technology and recognizes that any future violation of applicable rules or statutes may subject the Respondent to further disciplinary action by the Board, including suspension or revocation of Respondent's licenses.

16. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further disciplinary action by the Board, including suspension or revocation of Respondent's licenses.

17. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

This settlement agreement and final order is approved by the board on March 17, 2008.