

BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF: : Case No. CO 08-83
DA VI NAILS :
License No. 102177 : STIPULATION AND
and : CONSENT ORDER
THANH VAN LUU, owner :
License No. 00743 :
Respondents. :

Pursuant to Iowa Code 17A.10(2) and 272C.3(4) (2009), and 645 Iowa Administrative Code 12.1, the Iowa Board of Cosmetology Arts and Sciences (hereinafter, "Board"), and Da Vi Nails and Thanh Van Luu (hereinafter, "Respondents"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding pending before the Board.

Allegations specified in a Statement of Charges against Respondents shall be resolved without proceeding to hearing, as the Board and Respondents stipulate as follows:

1. Respondent Da Vi Nails is located at 534 South Duff Avenue, Ames, Iowa 50010 and holds license number 102177. Respondent Thanh Van Luu is the owner of Da Vi Nails and holds license number 00743.
2. A Notice of Hearing and Statement of Charges against Respondents was adopted by the Board on August 24, 2010.
3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

4. Respondents have chosen not to contest the allegations set forth in the Notice of Hearing and Statement of Charges and acknowledge that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein

5. On the date of the Board's approval of this Stipulation and Consent Order, Respondents' licenses shall be placed on probation on terms which shall include the following:

a. Respondents agree to comply with the terms of probation.

b. The period of probation shall be 1 (one) year, provided, however, that only those periods during which Respondents have valid license issued by the Board shall count toward exhaustion of the probationary period.

c. Respondent Da Vi Nails shall be assessed a civil penalty in the amount of \$500 and Respondent Thanh Van Luu shall be assessed a civil penalty in the amount of \$500. These civil penalties shall be paid within thirty (30) days after the Board's approval of this Stipulation and Consent Order, and shall be made payable to the Treasurer of Iowa and mailed to the administrator of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

d. Respondent Thanh Van Luu shall attend two hours of continuing education in the area of Iowa law and sanitation. Said continuing education shall be in addition to the continuing education hours Respondent needs to maintain his cosmetology license and must be obtained by January 14, 2011. Appropriate

certification of participation by Respondent Thanh Van Luu shall be submitted to the Iowa Board of Cosmetology Arts and Sciences by January 21, 2011.

e. Respondents shall obey all federal and state laws, rules, and regulations related to the practice of cosmetology.

f. Respondents shall report to the Board quarterly, in a typewritten format. The report shall include Respondents' place of business or employment, current address and phone number, *Respondents' most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

g. Respondents shall inform the Board, in writing, of any change of home or business address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

h. Respondents shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing their performance during the probationary period. Respondents shall be given reasonable notice of the date, time, and place for the appearances.

i. Such other reasonable terms as the Board may wish to impose during the probationary period.

6. By entering into this Order, Respondents voluntarily waive any right to a contested case hearing on the allegations contained in the Notice of Hearing and Statement of Charges and voluntarily waive any objections to the terms of this Order, including the right to appeal.

7. This Order is voluntarily submitted by Respondents to the Board for consideration. Respondents agree that counsel for the State may present this Order to the Board.

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

9. This Order shall be part of each Respondents' permanent record and shall be considered by the Board in determining the nature and severity of any discipline to be imposed as a result of future disciplinary proceedings.

10. In the event Respondents violate or fail to comply with any of the terms of this Order, the Board may initiate action to revoke or suspend Da Vi Nails and Thanh Van Luu's license or to impose other licensee discipline in accordance with Iowa Code 272C.3(2)(a).

11. Upon Board approval, this Order shall become a public record available for inspection and copying.

12. The Board's approval of this Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is approved by the Board December 16, 2010.