

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

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<b>IN THE MATTER OF:</b>	)	
	)	<b>CASE NO. 06-101</b>
<b>Tip Top Nails</b>	)	
<b>License No. 010236</b>	)	
<b>and</b>	)	<b>COMBINED NOTICE OF</b>
<b>Hoang Uy, owner</b>	)	<b>HEARING, SETTLEMENT</b>
<b>License No. 00420</b>	)	<b>AGREEMENT, AND</b>
	)	<b>FINAL ORDER</b>
<b>RESPONDENTS</b>	)	

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COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Tip Top Nails, through its owner Hoang Uy (Respondents), enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.

2. Respondent was issued license number 010236 to operate a salon in the State of Iowa and a nail technician license number 00420. Board records indicate that Respondent salon is located at 902 W. Kimberly Road #57, Davenport, Iowa, 52806.

**LEGAL AUTHORITY AND JURISDICTION**

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

**SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

4. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to properly clean whirlpool foot spa in violation of 645 Iowa Administrative Code 63.25(2)-(5).

### **COUNT II**

5. Respondent is charged with violating a regulation, rule, or law of this state Pursuant to 645 Iowa Administrative Code 65.2(13) by failing to have required hazardous Waste containers and bags in violation of 645 Iowa Administrative Code 63.17(3).

### **COUNT III**

6. Respondent is charged with employing an individual(s) to practice Cosmetology arts and sciences without a license in violation of Iowa code section 157.13(1) and 645 IAC rules 65.2(28).

### **D. FACTUAL CIRCUMSTANCES**

7. During an investigation conducted on June 19, 2007, there was unsatisfactory evidence of whirlpool foot spa daily and biweekly cleaning and disinfecting practices. No current record of whirlpool cleaning was being maintained.

8. During the investigation, no hazardous waste containers or bags were present at the salon.

9. An unlicensed person was engaged in activities requiring a license at Respondent salon. The owner is responsible for allowing unlicensed persons to practice pursuant to 645 IAC 63.4(1).

## **SETTLEMENT AGREEMENT**

10. Respondent agrees to pay to the Board a civil monetary penalty of \$800.00 total. The funds shall be payable to the State of Iowa. Respondents 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.

11. Respondent agrees to complete an additional four (4) hours of board-approved continuing education in the content areas of Iowa cosmetology law and rules and sanitation within 60 days of the date this Agreement is executed by the Board.

12. Respondent agrees to comply with all laws and rules regarding nail salons.

## **FINAL ORDER**

13. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

14. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of the Settlement Agreement.

15. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

16. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

17. Respondent agrees that the State's counsel may present this Agreement to the Board.

18. This combined Notice of Hearing, Settlement Agreement and Final Order

must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.

19. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

20. This Order shall be part of the Respondent's 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 future violations.

21. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.

22. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

**This combined notice of hearing, settlement agreement, and final order is approved by the board on November 7, 2007.**