STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:  
Central Nails  
License No. 103214  
and  
Thuong Mai Hoai Tran  
License No. 01210

StAMET of Charges, Settlement Agreement AND Final Order

RESPONDENTS.

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Central Nails, through its owner Thuong Mai Hoai Tran (Respondents), 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 103214 to operate a salon in the State of Iowa on March 11, 2010. Respondents’ salon license will expire on December 31, 2014. Respondent Tran was issued nail technologist license number on January 8, 2010. Respondent Tran’s individual license is current and will next expire on March 31, 2015.

2. Board records indicate that Respondents’ salon is located at 3003 1st Avenue, S, Fort Dodge, Iowa, 50501.

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa
COUNT I - UNSANITARY PRACTICES

4. 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(8), 63.13(2), 63.14, 63.22 and 63.25(1-3)

COUNT II - FAILURE TO POST RULES

5. 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 III - FAILURE TO FOLLOW DISINFECTANT STANDARDS

6. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645C § 65.2(13), with failing to provide disinfectant solution at each work station, in violation of § 63.11(8) and neglecting to store disinfected implements in a covered container, in violation of 645 IAC and § 63.13(2).

COUNT IV - FAILURE TO DISPOSE OF ONE-TIME USE INSTRUMENTS

7. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645C § 65.2(13), with failing to properly dispose of single use instruments (nail buffers, emery boards, sanding bands and foam slippers), in violation of 645 IAC §
COUNT V - CLEANING AND DISINFECTING SPA TUBS

8. 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 VI - EMPLOYMENT OF UNLICENSED INDIVIDUALS

9. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(26), with employing unlicensed individuals to provide services, in violation of 645 IAC § 65.2(28.)

FACTUAL CIRCUMSTANCES

10. During a follow-up investigation of Central Nails on February 19, 2014, investigators documented the following violations:

11. Sanitation rules were not posted in the entrance.

12. Drawers and cupboards of the manicure stations contained nail dust, nail clippings and debris.

13. Disinfectant solution was not present at the work stations.

14. Non-sanitizable implements including nail buffers, emery boards, sanding bands and foam slippers were present throughout the salon.

15. Investigators observed hair and a gritty substance in two of the pedicure basins. The whirlpool cleaning log was last updated on November 22, 2013.
16. Two unlicensed employees were documented by investigators providing pedicure services in the salon.

SETTLEMENT AGREEMENT AND FINAL ORDER

17. Respondents Thuong Mai Hoai Tran and Central 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.

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

19. 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.

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

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

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

23. 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.
24. 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.

25. 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).

26. 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.

27. 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)  

[Signature]

By: Thuy Tran

Date: 9-13-14

Iowa Board of Cosmetology Arts & Sciences

[Signature]

By: Chairperson

Date: 10-13-14
cc:  Thuong Mai Hoai Tran, Owner
     Central Nails
     3003 1st Avenue, S
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