

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

IN THE MATTER OF:)	
)	
My Le Duong)	CASE NOS. 05-048
License No. 840-00371, personally)	06-095
and)	
doing business as)	
)	
L.A. Nails)	COMBINED STATEMENT OF
License No. 002-009591)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
)	AND CONSENT ORDER
RESPONDENTS.)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and My Le Duong, previously doing business as, L.A. Nails (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4)(2005), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. On May 13, 2006, L.A. Nails possessed license number 002-009591 to operate a nail technology salon in the state of Iowa. At the date of inspection, May 13, 2006, Ms. Duong, License No. 840-00371, was the registered owner. The license was current. Board records indicate that the salon license was issued to My Le Duong on January 13, 2003, and transferred by her June 22, 2006. The salon is located at 320 W. Kimberly Road, #14, Davenport, Iowa 52806.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 147, 157, and 272C (2005). Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged under 147.55, 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 65.2(3) and 65.2(13) by engaging in practices that are harmful or detrimental to the public and operating his nail technology salon in violation of 645 IAC rules 63.14, 63.17 and 63.18.

CIRCUMSTANCES

4. During an inspection of Respondent's salon on May 13, 2006, it was found that no red hazardous waste container was available.

5. A nail chamois buffer that can not be sanitized was present in the workplace.

6. On August 3, 2005, a customer had complained that unsanitary conditions existed in the salon.

COUNT II

7. Respondent is charged with employing individuals to practice cosmetology arts and sciences without a license in violation of Iowa Code section 157.13(1) and 645 IAC rules 63.4(1) and 65.2(28) and (36).

CIRCUMSTANCES

8. During an inspection of Respondent's salon on May 13, 2006, it was observed that two persons engaged in activities requiring a license left the salon when the inspector entered. Persons providing cosmetology services and leaving a salon at the time of inspection are presumed to be unlicensed. The owner is responsible for

allowing unlicensed persons to practice. This owner previously was sanctioned for employing unlicensed persons in case no. CO-05-007

SETTLEMENT AGREEMENT

9. Respondent agrees not to contest the above stated charge before the Board.

10. Respondent has a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waive its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.

11. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

12. 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 future violations.

13. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

14. This Agreement is subject to approval by the Board:

- (a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

15. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

16. This Agreement shall not be binding as to any new complaints received by the Board.

CONSENT ORDER

IT IS THEREFORE ORDERED:

17. Respondent agrees to pay to the Board a civil monetary penalty for the safety and sanitation violations in Count I and the licensing violations in Count II in the total amount of \$1000. Respondent shall remit the full \$1,000 civil monetary penalties payable to Treasurer, State of Iowa, to the Board within 30 days of the date this Agreement is executed by the Board.

WHEREFORE, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondent.

This combined statement of charges, informal settlement agreement, and consent order is approved by the board on January 8, 2007.