

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

IN THE MATTER OF:

Regal Nails and Spa
License No. 102418
and
Diem Thi Pham
License No. 01027

RESPONDENT.

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) CASE NO. 07-095
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) SETTLEMENT AGREEMENT
) AND FINAL ORDER
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COMES NOW the Board of Cosmetology Arts and Sciences of the State of Iowa ("Board") and Diem Thi Pham ("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, Regal Nails and Spa, located at 3101 Floyd Blvd. #4, Sioux City, Iowa 51108. Respondent was issued Iowa salon license no. 102418 on July 1, 2008. Respondent's salon license is current and will next expire on December 31, 2010. Respondent was issued a nail technology license no. 01027 on April 23, 2001. Respondent's license is current and will next expire on March 31, 2009.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on July 14, 2008. A contested case hearing in this matter was scheduled for April 27, 2008. The hearing was continued pending settlement.
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 Counts I through IV 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 \$800.00 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 60 days of the date this Agreement is executed by the Board.

12. Respondent will complete four (4) hours of continuing education in the areas 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 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.

14. 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.

15. 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.

16. 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 November 24, 2008.