STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:	)	
	)	**CASE NO. CO 13-030**
Davi Nails	)	
License No. 104097	)	
	)	**STATEMENT OF CHARGES,**
	)	**SETTLEMENT AGREEMENT AND**
RESPONDENT.	)	**FINAL ORDER**

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Davi Nails, through its owner Phuong Cong Nguyen (Respondents), and 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 104097 to operate a salon in the State of Iowa on January 1, 2013. Respondents' salon license will expire on December 31, 2014.

2. Board records indicate that Respondents' salon is located at 3501 8th Street, S.W., Altoona, IA 50009.

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa Code chapters 17A, 157, and 272C.

COUNT I - FAILURE TO POST RULES AND REPORT

4. 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 II - FAILURE TO POST LICENSES

5. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to post professional licenses in the reception area at eye level in violation of 645 IAC §§ 61.5(2) and 61.5(3).

COUNT III - PRACTICE BEYOND SCOPE OF LICENSE

6. Respondents are charged under Iowa Code §§ 147.55 and 157.13(1) (2013), and 645 IAC §§ 63.4(3) and 65.2(13), with permitting licensed individuals to practice outside the scope of their license in violation of 645 IAC § 60.3(6) (facial waxing) and 65.2(29).

FACTUAL CIRCUMSTANCES

1. On or about July 23, 2013, the below violations were documented.
2. Sanitation rules were not posted in the front entrance area.
3. The most current salon license and professional renewal cards were not posted and visible to the public.

4. Eyebrow waxing services was provided by licensees outside the scope of their practice.

SETTLEMENT AGREEMENT AND FINAL ORDER

11. Respondent Davi Nails agree to pay to the Board a civil monetary penalty of $250.00 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.

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

13. 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.

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

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

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

17. 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.

18. 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.

19. 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).

20. 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.

21. 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)	**Iowa Board of Cosmetology Arts & Sciences**
By:	By: Chairperson
4-28-14	7-7-14
Date	Date

cc: Phuong Cong Nguyen
Davi Nails
3501 8th Street, S.W.
Altoona, IA 50009

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