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

IN THE MATTER OF:
Fashion Nails
License No. 009227
and
Mai Thanh Nguyen
License No. 57846

RESPONDENT.

) ) CASE NO. 07-022
) ) SETTLEMENT AGREEMENT
) ) AND FINAL ORDER

COMES NOW the Board of Cosmetology Arts and Sciences of the State of Iowa
(“Board”) and Mai Thanh Nguyen (“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, Fashion Nails, located at 2308 Spruce Hills Drive,
Bettenor, Iowa 52722. Respondent was issued Iowa salon license no. 009227 on June 19,
2002. Respondent’s salon license is current and will next expire on December 31, 2008.
Respondent owner was issued cosmetology license no. 57846 on September 16, 1996 and the
license will next expire on March 31, 2010.

2. A Notice of Hearing and Statement of Charges was filed against the Respondent on

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 VI of the Statement of Charges.

10. Respondent agrees to pay the Board a civil monetary penalty of $1000.00 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.
11. Respondent will complete eight (8) hours of continuing education with four (4) of those hours 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 six months 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.

12. Respondent's individual and salon licenses are placed on probation for a period of two (2) years. During the probationary period, Respondent shall comply with the following terms:

   a) 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.

   b) Respondent shall file typewritten quarterly reports with the Board listing each salon employee and whether the employee is licensed by the State of Iowa to provide nail technology services. Respondent shall submit with each quarterly report a copy of the whirlpool cleaning schedule documenting each cleaning as required by 645 Iowa Administrative Code 63.25 (2)-(5) for each whirlpool foot spa during the quarter and copies of all MSDS sheets for liquid nail products used in the salon to ensure the salon is not using products containing MMA. The failure of the Respondent to provide complete and truthful information in the quarterly report shall constitute a violation of this agreement.
13. The Board or its designee may verify Respondent's compliance with the provisions of this Order through an examination of Board records, by interviewing persons listed as salon employees, or by conducting unannounced inspections and investigations of the Respondent salon.

14. Respondent agrees to comply with all laws and rules regarding nail salons and cosmetology arts and sciences 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 August 27, 2008.