

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

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IN THE MATTER OF:	)	
	)	
Phuong (Mary) Bich Tran	)	CASE NO. 05-016
Doing business as Nails Today	)	
1608 W. Locust St.	)	
Davenport, IA 52804	)	SETTLEMENT AGREEMENT
	)	AND CONSENT ORDER
Respondent.	)	

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The Iowa Board of Cosmetology Arts & Sciences Examiners (Board) and Phuong (Mary) Bich Tran (Respondent), enter into this Settlement Agreement and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 157.13(3), 272C,3(4) and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Respondent, Phuong (Mary) Tran, is an individual residing in Davenport, Iowa. At various points in time, at least as early as January 2005 until May 2, 2006, Ms. Tran has operated a nail technology salon known as Nails Today. Said salon does not have an Iowa salon license as required by Iowa Code section 157.11.

2. Respondent is now licensed as a nail technologist in Iowa under Iowa Code chapter 157. Her license no. 840-01720 was issued May 12, 2005.

3. On or about April 8, 2005, the Board received a complaint that Respondent had provided nail technology services in January 2005 on a customer who may have contracted a disease at Respondent's salon.

4. In May 2005 an investigator for the Board, Darby Matteson, investigated the complaint and investigated the Respondent and her salon. Respondent was

performing nail technology services without a salon or practitioner's license. Ms. Matteson also collected substances at the salon that were tested and found to contain Methyl Methacrylate (MMA), a substance barred from use in nail technology.

5. On April 11, 2006, the Board issued its Notice of Intent to Issue Order and Respondent's Right to Hearing.

6. Respondent requested a hearing.

7. Respondent agrees not to contest the above stated charge before the Board and waives her right to 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.

8. 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.

9. 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.

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

11. This Agreement finally settles all actions the Board may take with regard to operating a salon without a license to May 2, 2006, and the matters asserted in paragraphs 4 and 5. It is not binding as to any new complaints or inspections received by the Board in the future.

## CONSENT ORDER

### IT IS THEREFORE ORDERED:

12. Respondent agrees to pay the Treasurer, State of Iowa, a civil monetary penalty of \$1000. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

13. In practicing her profession as a nail technician, Respondent shall comply with applicable laws and regulations and in particular, with Rule 645 Iowa Administrative Code 63.18(1) which bans the use of liquid Methyl Methacrylate (MMA)

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

**This settlement agreement and consent order is approved by the board on August 2, 200.**